

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN****W.P(MD)No.3024 of 2014****WEB COPY**

P.Santhanalakshmi

: Petitioner

Vs.

1. The Joint Director of School Education,
College Road,
Chennai - 6.

2. The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Aruppukkottai,
Virudhunagar District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent herein in his proceedings bearing O.M.No.1545/A1/2013 dated 04.06.2013 and quash the same with the further direction directing the respondents to appoint the petitioner on compassionate ground in any suitable post commensurating with the educational qualification and eligibility in the light of G.O.Ms.No.96 dated 18.06.2012.

For Petitioner	: Mrs.Lakshmi Gopinathan for M/s.Polax Legal Solution
For Respondents	: Mrs.S.Srimathy Special Government Pleader

O R D E R*********

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent herein in his proceedings bearing O.M.No.1545/A1/2013 dated 04.06.2013 and to quash the same and direct the respondents to appoint the petitioner on compassionate ground in any suitable post commensurating with the educational qualification and eligibility in the light of G.O.Ms.No.96 dated 18.06.2012.

2.Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The case of the petitioner is that the petitioner's mother died on 14.05.2006 and that she made an application for compassionate appointment in the year 1998. At that time, the petitioner's father was employed as a Government Teacher and hence, the petitioner's request was not considered. Unfortunately, on



22.12.2004, the father of the petitioner died in an accident and before that the petitioner got married on 03.11.2003. Thereafter, the petitioner made an application for compassionate appointment on 17.04.2013. The request of the petitioner has been rejected on the ground that at the time when the petitioner sought for compassionate appointment after the death of the mother, the petitioner's father was employed.

4.From the records it is clear that after the death of her father, the petitioner made application for compassionate appointment after ten years, eventhough, married daughter is entitled to be considered for compassionate appointment. The petitioner's father was employed in the Government, and after the demise of the petitioner's father, she made application after ten years. On the ground of laches and also on the ground that petitioner's father was employed, the petitioner will not be eligible for compassionate appointment. Though, it is a fit case for imposing costs, this Court refrain from doing so

5.The Writ Petition stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Joint Director of School Education,
College Road,
Chennai - 6.
2. The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Aruppukkottai,
Virudhunagar District.

+1cc to M/s.Polax Legal Solution, Sr.No.79757

+1cc to Spl.Government Pleader Sr.No.79937

MR

VB/PM/SAR3/10.12.2018/2P/5C

W.P(MD)No.3024 of 2014
21.08.2018