



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
W.P. (MD) No.564 of 2015
and
M.P (MD) No.1 of 2015

R.S.Vasan @ R.Srinivasan

... Petitioner

vs.

1.The Director,
School Education Department,
Chennai-600 006.

2.The District Educational Officer,
O/o. the District Educational Office,
Paramakudi, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings in மு.மு.எண்.90434/ஜெ3/2002 dated 09.06.2014 and quash the same as illegal and consequently to direct the respondents to appoint the petitioner as Junior Assistant or any other post commensurate to the qualification of the petitioner on compassionate ground within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/S.Ajmal Associates

For Respondents : Mrs.Srimathy,
Special Government Pleader.

O R D E R

The writ petitioner herein who is presently aged about 38 years old, seeks compassionate appointment in view of demise of his mother, who served as Secondary Grade Teacher and died on 13.02.1998. When Mrs.R.Thiruvengadam mother of the writ petitioner died, her husband Ramakrishnan was also a Government employee. The three daughters by that time were married. The petitioner herein earlier made a request for compassionate appointment quoting his penury. Though the District Educational Officer has recommended for compassionate appointment, the Director of School Education has declined the request.

2.A writ petition was filed and pursuant to the direction given by the High Court in W.P.(MD)No.13482 of 2014, the representation of the writ petitioner has been again considered by the first respondent on 09.06.2014 and the first respondent has passed the impugned order rejecting the request for compassionate appointment for the reason that on the day of death of Public



servant, one of the family members was employed in Government service and the son and daughters all were married and having independent family and not depending upon the income of the deceased Government servant. Challenging the said impugned order, the present writ petition is filed.

3. The learned counsel appearing for the petitioner would submit that the guidelines of the Government given in G.O.(Ms)No.42 Labour and Employment(Q1) Department dated 12.03.2007 have not been properly followed by the first respondent and further the indigent circumstances of the petitioner which is reflected in the report of the District Educational Officer, has not been considered and simply referring G.O. and other rules the impugned order has been passed without considering the factual aspects involved in the application of the writ petitioner.

4. This Court after giving careful consideration to the representation as well as the submissions made by the learned counsel appearing for the writ petitioner, is unable to entertain the request made by the writ petitioner, since in the impugned order all the factual aspects involved in this case have been considered and at the time of death, Thiru.Ramakrishnan, husband of the Mrs.R.Thiruvengadam was in Government service. The children of the public servant have been well settled in the life, married and having independent family on their own. The purpose of appointing the dependent of public servant who died in harness is to rescue the family from penury due to sudden demise of sole breadwinner. In this case no such pressing need is found. Hence, this Court finds no error in the impugned order of the first respondent rejecting the request of the writ petitioner.

5. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-III)

To:

1. The Director,
School Education Department,
Chennai-600 006.

2. The District Educational Officer,
O/o. the District Educational Office,
Paramakudi, Ramanathapuram District.

+1cc to M/S.AJMAL ASSOCIATES, Advocate, SR.No. 95006

+1cc to M/s.Special Government Pleader, SR.No. 94983

W.P. (MD) No.564 of 2015
and

M.P (MD) No.1 of 2015