

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.33533 OF 2017

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for appointment on compassionate grounds as per G.O.Ms.No.118, dated 18.08.1999, as arbitrary and illegal and consequently, direct the respondents to appoint the petitioner in any suitable post in terms of the said G.O.

Heard Sri Ch.Ganesh, learned counsel appearing for the petitioner and Sri G.Narender Reddy, learned Standing Counsel appearing for the 4th respondent.

It is the case of the petitioner that her mother was appointed as Sweeper on 01.11.1982, on temporary basis, in MPPS School at Mynamvari Gudem, Miryalaguda Mandal, Nalgonda District; that though her mother was fully qualified and eligible for regularization, her case was not considered; that while working as such, her mother died on 21.02.2016; that the petitioner submitted a representation on 25.08.2016 before the 4th respondent for appointment on compassionate grounds, but no action has been taken thereon. Hence, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the State Government had taken a policy decision to extend the scheme of appointment on compassionate grounds even in respect of NMR/daily wage workers and that in terms of the said policy, the case of the petitioner should be considered. Learned counsel further submits that though the petitioner submitted representation on 25.08.2016, so far no orders have been passed thereon.

Learned Standing Counsel appearing for the 4th respondent contends that the petitioner has not submitted any representation seeking appointment on compassionate grounds. Learned Standing Counsel further contends that the mother of the petitioner was not eligible for regularization because she submitted a fake educational certificate, which was detected in the enquiry conducted on 5.8.2016 by the Deputy Chief Executive Officer and the same was also reflected in the proceedings of the District Educational Officer on 5.8.2016. Learned Standing Counsel also contends that G.O.Ms.No.118, dated 18.08.1999 is applicable to only in respect of NMR workers, whose services could not be regularized on administrative grounds, and that because of the fraud played by the mother of the petitioner, her case was not considered for regularization.

I have considered the rival submissions made by the learned counsel on either side.

As can be seen from the material available on record, it appears that the mother of the petitioner was appointed way back in the year 1982 and that she had rendered more than 34 years of service. But the respondents have not initiated any proceedings against mother of the petitioner for the alleged misconduct of production of fake educational certificate. The contention of the respondents that since the mother of the petitioner had produced a fake educational certificate, her case could not be considered for regularization and on that ground the petitioner is not entitled for appointment on compassionate grounds, is not acceptable. As the mother of the petitioner had rendered 34 long years of service on NMR basis with the respondents, they ought not have come with the allegation that mother of the petitioner has produced a fake educational certificate, that too after her death. As can be seen from the record, in the proceedings dated 5.8.2016 i.e., after expiry of the mother of the petitioner, it was alleged that the mother of the petitioner had produced a fake educational certificate. Therefore, the contention canvassed by the respondents is totally untenable and the respondents are

bound to consider the case of the petitioner on compassionate grounds.

Hence, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner on compassionate grounds in terms of G.O.Ms.No.118, dated 18.08.1999 in any suitable post within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

4th January, 2018
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JUSTICE ABHINAND KUMAR SHAVILI