

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16480 OF 2005

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of respondent No.1 in rejecting the claim of petitioner for an appointment of compassionate through impugned Memo No.Admn.IB/1086/2004, dated 10.03.2005 on the ground that there was no post of Junior Assistant, as illegal and arbitrary.

2. Heard Sri M.A. Ali, learned counsel for the petitioner, learned Government Pleader for Higher Education, appearing for respondent Nos.1 and 2, and Sri D.V. Sitharam Murthy, learned senior counsel, appearing for respondent No.3.

3. It has been contended by the learned counsel for the petitioner that father of petitioner was employed by respondent No.3; that while discharging his duties, the father of petitioner expired on 04.07.1999 due to snake bite; that the petitioner has submitted a representation to appoint him on compassionate ground, but respondents have rejected his case vide proceedings, dated 10.03.2005, contending that there was no vacant post of Junior Assistant; and that challenging the same, the petitioner filed the present writ petition.

4. Having considered the above submissions made by the learned counsel for the petitioner, this Court is of the considered view

that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents within two (2) weeks from the date of receipt of a copy of this order, and upon such representation being received, respondent Nos.1 to 3 shall consider and pass appropriate orders and also consider the case of petitioner for appointment on compassionate grounds without being influenced by earlier rejection order, dated 10.03.2005, and pass appropriate orders in accordance with the Rules, in any other suitable post by taking into account the qualifications of the petitioner.

5. With the above directions, the present Writ Petition is disposed of. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

ABHINAND KUMAR SHAVILI, J

December 15, 2018
Mgr