

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.1065 OF 2018

JUDGMENT: (Oral, *Per* Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present Appeal, the appellant has challenged the order, dated 18.07.2018, passed in Writ Petition No.40669 of 2017; whereby the Writ Petition has been dismissed.

Brief facts of the case are that the father of the petitioner, while working as Head Master, expired on 19.01.2002 leaving behind his wife, mother, two daughters and three sons. The petitioner being eldest of the siblings of late employee, applied for provision of appointment on compassionate grounds, claims to be within one year from the date of death; by then, the petitioner was aged about 15 years and his application was rejected *vide* proceedings dated 09.02.2010, holding him as minor at the time of death of his father. The petitioner again represented to provide employment. His request was examined and the Commissioner and Director of School Education *vide* proceedings dated 13.03.2010 reiterated his earlier decision. Thus, decision dated 09.02.2010 as affirmed *vide* proceedings dated 13.03.2010 remained unchallenged. Though claim was rejected by the Commissioner and Director of School Education, petitioner continued to pursue his claim to provide him employment. Based upon the fresh representation, the District Educational Officer submitted proposals to the Collector, Hyderabad District and the District Collector *vide* proceedings dated 01.06.2017 declined to accept the proposal suggesting to obtain necessary age relaxation orders from the Government. Accordingly, the petitioner submitted representation on 15.11.2017 addressed to the Principal Secretary, School Education

Department to grant age relaxation and to provide him employment. Since no decision was taken thereon by the Principal Secretary, the petitioner filed the Writ Petition, which has been dismissed by the learned single Judge.

Learned counsel appearing on behalf of the appellant submits that in similar situated case in Writ Petition No.1424 of 2014, Division Bench of this Court allowed the Writ Petition. However, the representation made by the appellant-petitioner has not been considered.

Learned Government Pleader for Services-I (T.S.) accepts notice on behalf of the respondents and with the consent of both the counsel, we hereby dispose of the present Appeal.

Admittedly, the father of the appellant died on 19.01.2002 and the wife of the deceased applied for compassionate appointment to the petitioner on 17.07.2002, by that time the appellant was aged 15 years 4 months. Thereafter, the said application was rejected on 13.03.2010 stating that by the time of the death of his father, the appellant was minor.

Since, the main grievance of the appellant is that a Division Bench of this Court in Writ Petition No.1424 of 2014 has granted the relief of age relaxation to the petitioner therein, who is similarly situated to the case of the appellant, and the same is subject matter of his representation dated 15.11.2017, therefore, without commenting on the order passed by the learned single Judge, we hereby direct the Principal Secretary, School Education Department to dispose of the representation dated 15.11.2017 made by the appellant, by a reasoned order within four (4) weeks from the date of receipt of a copy of this order. The decision taken by the respondents on the said representation shall be communicated to the appellant within one (1) week thereafter.

Accordingly, with the above directions, the Writ Appeal is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

Date: 08-08-2018.
Dsh



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WRIT APPEAL No.1065 OF 2018

(Judgment of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)

Date. 08-08-2018

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