

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.03.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. NO.18911 OF 2011

Gnanasakthi.J

.. Petitioner

- Vs -

1. The Director of School Education
College Road, Nungambakkam
Chennai.

2. The District Educational Officer
Vridhachalam, Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to dispose off the representation dated 25.6.2011 sent by the petitioner.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.P.Raja, Govt. Advocate

ORDER

The present petition has been filed for a direction to the respondents to consider the representation submitted by her for compassionate appointment.

2. From the averments in the affidavit filed in support of the petition, it appears that the petitioner's husband, who was working as a teacher in the Government High School, Tholar, died in harness on 26.6.01. According to the petitioner, she became a destitute and upon her husband's death, she was drawing monthly pension of Rs.4,794/-. According to the petitioner, she was without any employment and upon the death of her husband, the petitioner completed D.T.Ed., course in the year 2009 and became eligible for appointment as teacher.

3. Subsequent to acquiring the qualification for appointment as teacher, the petitioner submitted a representation on 25.6.11 seeking to consider her claim for appointment on compassionate

grounds, in view of the death of her husband in the year 2001.

4. Except stating that her husband died in the year 2001 and that after obtaining the necessary qualification in the year 2009, the representation was filed, nothing has been stated in the affidavit as to what happened between the date when her husband died and the date of her representation, i.e., on 25.6.11. There is an enormous delay of 10 years in making the representation to the authorities concerned, claiming appointment on compassionate grounds, which has not at all been explained.

5. Time and again this Court has held that compassionate appointment could be given only as a matter of immediate employment assistance to the family of the deceased person and such appointment cannot be kept in wait for endless period. In the present case, the representation appears to have been given only in the year 2011, after a delay of almost 10 years from the date of death of the petitioner's husband. The non-consideration of the said representation has prompted the petitioner to come before this Court for the issuance of a writ of mandamus.

6. From the above factual scenario, this Court is at a loss to understand as to how such a mandamus, as sought for, could be issued, that too, after a period of ten years. In any event, it appears that the petitioner was receiving a modest family pension on the death of her husband. After such a long period of ten years, the petitioner cannot continue to have a right for being considered for compassionate appointment.

7. For the reason aforesaid, the mandamus, as sought for, cannot be issued at this distant point of time. The petition, therefore, is not maintainable and it is liable to be dismissed. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Director of School Education
College Road, Nungambakkam
Chennai.
2. The District Educational Officer
Vridhachalam, Cuddalore District.

+lcc to Mr.R.Veeramani, Advocate, S.R.No.27551
+lcc to the Government Pleader, S.R.No.27986

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PPA(CO)
CS/08/05/2019



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