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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.2334 of 2019

R.Punitha

.... Appellant

Vs

1. The Director,
The School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Joint Director (Personnel)
The Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

3. The District Education Officer,
Erode.

4. The District Elementary Education Officer,
Erode.

.... Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 09.04.2019 made in W.P.No.30108 of 2018.

WP.NO.30108/2018:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the 4th repondent in proceedings in Mu. Mu. No.3029/ A1/ 2013 dated 02.09.2013 and quash the same as illegal incompetent and ultravires and consequently direct the respondents to appoint the petitioner on any eligible post on compassionate ground.

For Appellant : Mrs.A.L.Ganthimathi

For Respondents : Mr.C.Munusamy,
Special Government Pleader



J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

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The claim made by the appellant for compassionate appointment was rejected by the Education Department on the ground that she was not in indigent circumstances to make her eligible for such appointment. The said order was unsuccessfully challenged before the writ Court. Feeling aggrieved, the appellant has come up with this intra court appeal.

2. The factual matrix indicate that the father of the appellant was working as Headmaster in the Panchayat Union Elementary school at Koddumudi Range. He died in harness on 13.04.2001. He was survived by widow and two daughters. The eldest daughter was married even before the death of her father. The appellant was 19 years old when her father died. She made an application in 2002 for compassionate appointment. The application was ultimately rejected on the ground that the family was not in indigent circumstances.

3. It is a matter of record that the appellant, during the currency of the application, married on 09.07.2009 and she is the mother of two children. Even in the affidavit filed in support of the writ petition, it was stated that her husband was employed in HDFC Bank.

4. The learned counsel for the appellant contended that the husband of the appellant is only an agent working in HDFC Bank and he is not a regular employee.

5. The death in the subject case took place on 13.04.2001. It would not be possible to assess the indigent circumstances of the family at this point of time. The District Educational Officer, in his order, has very clearly stated that the family was not in indigent circumstances. The said finding is now confirmed by the very affidavit filed by the appellant to the effect that she is presently living with her husband who is employed in HDFC Bank. There are no other documents produced before this Court to show that the appellant is eligible for compassionate appointment. We are therefore of the view that the learned single Judge was justified in dismissing the writ petition.



6. In the upshot, we dismiss the intra court appeal. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Director,
The School Education, DPI Campus, College Road,
Chennai - 600 006.
2. The Joint Director (Personnel)
The Elementary Education, DPI Campus, College Road,
Chennai - 600 006.
3. The District Education Officer, Erode.
4. The District Elementary Education Officer, Erode.

+lcc to Mrs.A.L.Ganthimathi, Advocate sr.63609
+lcc to Government Pleader sr.63845

Writ Appeal No.2334 of 2019

ks(co)
nr 23/09/2019