

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.23752 of 2019

S. Mahendran

.. Petitioner

Vs.

1. State of Tamil Nadu
Represented by its Secretary
School Education Department
Fort St. George
Chennai- 600 009.

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

3. The District Educational Officer
Kallakurichi Taluk
Villupuram District.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a Writ, order or direction more so in the nature of a writ of Mandamus directing the second respondent to grant the petitioner with compassionate appointment to the post of Junior Assistant based upon the recommendation of the third respondent dated 31.07.2018 within the time frame to be fixed by this Hon'ble Court and to pass orders.

For petitioner : Mrs. Dakshayani Reddy
For Respondents : Mr. A. Rajaperumal, AGP

O R D E R

The petitioner filed this Writ Petition seeking direction to the second respondent to grant the petitioner with compassionate appointment to the post of Junior Assistant based upon the recommendation of the third respondent dated 31.07.2018 within the time frame.

2. The learned counsel for the petitioner would submit that the petitioner's father, R. Subramanian was working as Watchman in the Government High School, Somandarkudi, Villupuram District. His father died on 09.07.2012 while he was in service leaving behind the petitioner's mother, the petitioner, his

brother and his sister. Thereafter the petitioner applied for compassionate appointment with all necessary particulars after obtaining no objection certificates from the other legal heirs. .

3. The learned counsel for the petitioner further submitted that after the death of the petitioner's father originally the the petitioner's younger brother gave an application seeking for compassionate appointment for this, the second respondent vide proceedings dated 28.03.2014 returned the proposal stating that when the petitioner was not available with due clarification the reason for non application by the petitioner to be clarified. Thereafter the petitioner applied for compassionate appointment and due proposal was forwarded by the third respondent to the second respondent. Again by proceedings dated 09.01.2017, the second respondent sought for the report from the District Educational Officer with regard to all queries. The third respondent himself satisfied with all the queries raised by the second respondent and found that the family of the petitioner was in deep financial distress and accordingly the third respondent sent proceedings dated 31.07.2018 along with a report dated 03.07.2018 recommending the appointment of the petitioner on compassionate grounds but till date no steps have been taken by the second respondent. Hence the present Writ Petition.

4. The learned counsel for the petitioner would submit that without expressing any opinion on the merits of the case, it would be suffice to issue direction to the second respondent to grant the petitioner with compassionate appointment on the proceedings and report made by the third respondent dated 31.07.2018 on merits and in accordance with law within a reasonable time.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the second respondent to pass appropriate orders on the recommendation of the third respondent dated 31.07.2018 on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mrn

To

1.The Secretary
State of Tamil Nadu
School Education Department
Fort St. George
Chennai- 600 009.

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

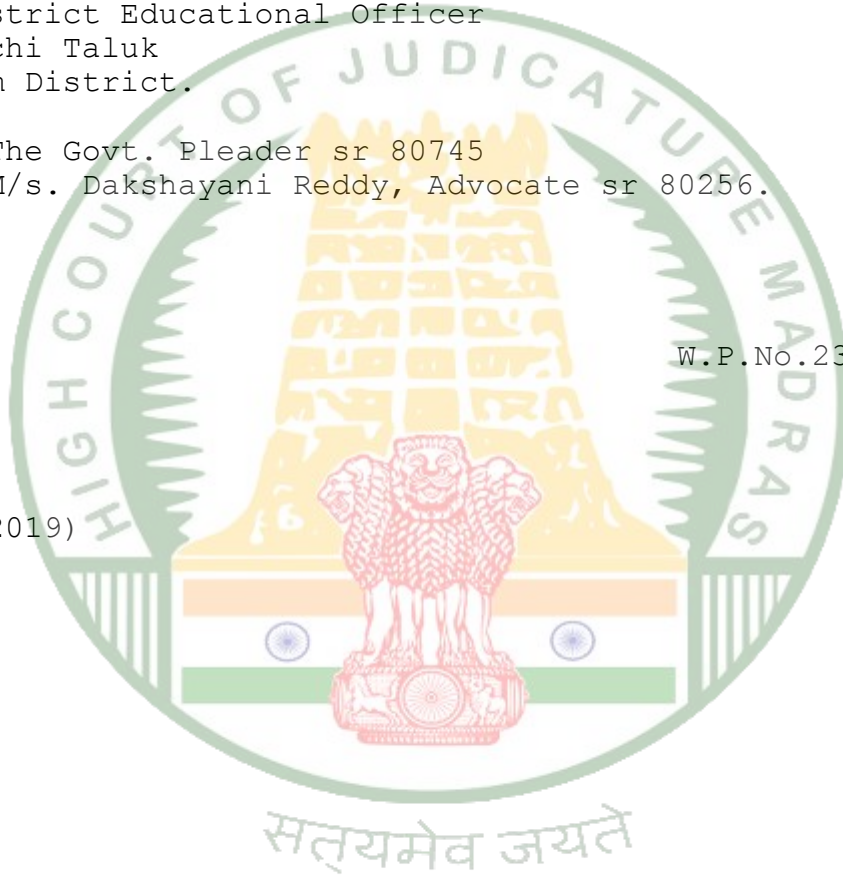
3. The District Educational Officer
Kallakurichi Taluk
Villupuram District.

+1 CC to The Govt. Pleader sr 80745

+1 CC to M/s. Dakshayani Reddy, Advocate sr 80256.

W.P.No.23752 of 2019

SSD(CO)
SP(03/12/2019)



WEB COPY