

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27603 of 2019

S.Arunkumar

... Petitioner

Vs.

1.Director of School Education,
O/o.Director of School Education,
Chennai - 6.

2.District Education Officer,
O/o.District Education Officer,
Chengalpattu.

3.The Head Master,
Government Higher Secondary School,
Mambakkam (Via), Melakottaiyur,
Chennai - 600 127.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to provide the petitioner forthwith appointment in the post of Junior Assistant or in any other post as per the recommendation made by the 2nd respondent in his proposal dated 15.5.2018 in Na.Ka.No.2943/A1/2015 and forwarded to the office of the 1st respondent on 25.5.2018, Award costs.

For Petitioner : Mr.B.Krishnaswamy

For Respondents : Mr.C.Munusamy
Special Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner's mother worked as Secondary Grade Teacher in Tamil Nadu School Education service on

18.01.1999 and her probation was declared on 17.01.2001. After her appointment, she was originally posted at Elapakkam Government Higher Secondary School in Chengalpattu District and later transferred to the 3rd respondent School in the year 2004. While the petitioner's mother was in service at the 3rd respondent school, she died in harness on 27.09.2012. At the time of her death, she completed 13 years and 8 months of service and she was having more than 11 years of remaining service. She left her husband, her two daughters and one son as her legal heirs. At the time of her death, the petitioner and her sisters were minors. Therefore, the petitioner after attaining majority has made an application dated 30.05.2014 to the 3rd respondent seeking for compassionate appointment, which was forwarded to the 2nd respondent. However, the 2nd respondent by his proceedings in Se.Mu.Na.Ka.No.2200/A1/2014 dated..10.2014 returned the proposal with a direction to rectify certain defects and to send the proposal again after rectifying the defects pointed out in that letter. Thereafter, the petitioner submitted the application for compassionate appointment in the proper form after rectifying all the defects along with relevant supporting documents and the same was received by the 3rd respondent and forwarded the same to the 2nd respondent, who in turn verified and considered the proposal and forwarded the proposal to the 1st respondent by his letter dated 15.05.2018 and recommended for giving appointment to the petitioner in the post of Junior Assistant on compassionate ground. Though, after the proposal was sent and forwarded to the office of the 1st respondent by the 2nd respondent, till date the petitioner was not given appointment. Hence, the petitioner has filed the present writ petition.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that though the 2nd respondent has recommended to provide the petitioner with appointment as Junior Assistant on compassionate ground as early as on 25.05.2018, the petitioner was not provided with the appointment. He further submitted that it would suffice, if a direction is issued to the respondent to consider the recommendation made by the 2nd respondent dated 15.05.2018 and pass orders within the time stipulated by this Court.

5.Mr.C.Munuswamy, the learned Special Government Pleader appearing for the respondents conceded to the request made by the learned counsel for the petitioner.

6.Thus, without going into the merits of the case, this Court is inclined to direct the 1st respondent to consider the recommendation of the 2nd respondent dated 25.05.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(C)

//True Copy//

Sub Assistant Registrar

rm
To

- 1.The Director of School Education,
O/o.Director of School Education,
Chennai - 6.
- 2.The District Education Officer,
O/o.District Education Officer,
Chengalpattu.
- 3.The Head Master,
Government Higher Secondary School,
Mambakkam (Via), Melakottaiyur,
Chennai - 600 127.

+1cc to Mr.Ajoy khose , Advocate SR.No. 80289
+1 cc to Government Pleader Sr.No. 81159

W.P.No.27603 of 2019

A.SK(15/10/2019)

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