



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16653 of 2019

R.A.Asna

...Petitioner

Vs.

- 1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The District Educational Officer,
Kuzhithurai,
at Marthandam,
Kanyakumari District.
- 3.The Corporate Manager,
Kanyakumari CSI Diocese,
Nagercoil,
Kanyakumari District.
- 4.The Correspondent,
LMS Girls Higher Secondary School,
Marthandam,
Kanyakumari District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide the petitioner with an employment on compassionate ground in any one of the vacancy available in the schools comes under the control of the third respondent by considering the application of the petitioner's father dated 05.09.2016 and the subsequent application dated 29.09.2018 within a time frame that may be fixed by this Court.

For Petitioner : Mr.D.Balamurugapandi

For R1 & R2 : Mrs.S.Srimathy
Special Government Pleader

For R3 & R4 : Mr.S.C.Herold Singh



ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to provide employment to the petitioner on compassionate ground in any one of the vacancy available in the schools comes under the control of the third respondent.

2.The learned counsel appearing for the petitioner would submit that the petitioner's mother died on 14.07.2015, while she was working in the fourth respondent school. Thereafter, the petitioner's father made an application to the third respondent on 05.09.2016 to provide employment to the petitioner on compassionate ground. Since no action has been taken by the third respondent, once again on 29.09.2018, the petitioner made another representation to the respondents 2 and 4 for the above said relief. But, so far, no action has been taken. Hence, the petitioner is before this Court for the relief stated supra.

3.In reply, the learned Standing Counsel appearing for the respondents 3 and 4 would submit that the petitioner's representation dated 29.09.2018, would be considered in accordance with the prevailing Government Orders, if the petitioner is eligible for appointment on compassionate ground, within a time frame to be fixed by this Court.

4.Considering the facts and circumstances of the case and in view of the submissions made on either side, without expressing any opinion on the merits of the case, this Court is inclined to pass the following directions:

i) the third respondent is directed to consider the representation of the petitioner's father dated 05.09.2016, and pass appropriate orders on merits and in accordance with prevailing Government Orders and after considering the same, if it is found that the petitioner is eligible for appointment on compassionate ground, a proposal shall be sent to the second respondent;

ii) on receipt of such proposal, the second respondent is directed to consider the such proposal and pass appropriate orders on merits and in accordance with prevailing Government Orders, as expeditiously as possible, if any such proposal is forwarded by the third respondent; and

iii) while considering such representation dated 05.09.2016, if it is found that the petitioner is not eligible for appointment on compassionate ground, the same shall be communicated to the petitioner as expeditiously as possible;



5. With the above directions, this Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (Crl.Side)

Sub Assistant Registrar(CS)

To

1. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

2. The District Educational Officer,
Kuzhithurai,
at Marthandam,
Kanyakumari District.

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-82734[F] dated
21/08/2019)

+1 CC to M/s.K.A.THIRUMALAI APPAN, Advocate (SR-82738[F] dated
21/08/2019)

+1 CC to M/s.SPL GP (SR-83166[F] dated 22/08/2019)

W.P.(MD) No.16653 of 2019
21.08.2019

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JMN(18.09.2019) 3P : 6C