



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P (MD) .No. 15781 of 2017

Gayathri Devi

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

2. The District Educational Officer,
Kanyakumari District, Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to call for the records pertaining to the impugned order, dated 08.06.2017 passed by the second respondent in Ne.Mu.No.7366/A1/2016 and quash the same and consequently direct the respondents to consider the petitioner's claim for compassionate appointment in the place of the petitioner's father late.Shanmugavel, who died in harness on 12.08.2009 and appoint the petitioner in any suitable post by considering petitioner's application, dated 28.12.2011.

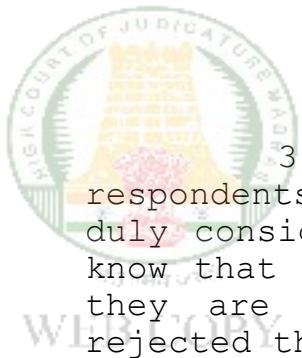
For Petitioner : M/s.G.V. Vairam Santhosh
Mr.M.Krishna Sreethar

For Respondents : Mrs. S. Srimathy,
Special Government Pleader

O R D E R

This Writ Petition has been filed to quash the impugned order, dated 08.06.2017 passed by the second respondent in Ne.Mu.No.7366/A1/2016 and also seeking a direction to the respondents to consider the petitioner's representation, dated 28.12.2011 and appoint her under compassionate grounds.

2. The learned counsel appearing for the petitioner would submit that the petitioner's father was working as School Assistant at Government Higher Secondary School, Kottaram, Kanyakumari District and while, he was in service died leaving behind his wife, three sons and three daughters as his legal heirs. He would further submit that the petitioner has made a representation on 28.12.2011 to the second respondent for providing employment under compassionate grounds and the same was rejected on 08.06.2017 on the ground that the petitioner's family members are educated and her elder brother has already worked as Professor in Anna University and other brothers have also acquired high qualification. He would further submit that the aforesaid reason stated in the impugned order is illegal and the same is liable to be quashed.



3. The learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation was duly considered by the respondents and during the enquiry, came to know that the petitioner's brothers are all well educated and also they are also working. Therefore, the respondents had rightly rejected the representation of the petitioner.

4. On a perusal of the affidavit filed by the petitioner, the writ petitioner has stated that the petitioner's father died on 12.08.2009 and leaving behind the petitioner and her brothers, sisters as his legal heirs. According to the petitioner, eventhough her family members are educated, but they are unemployed and not maintained her family. But, in the aforesaid affidavit, the petitioner has not stated the reason that the petitioner was in indigent circumstances to maintain her family. On a perusal of the impugned order passed by the second respondent, it is made clear that the petitioner's brother S.Balasivanantha Prabu has already working as Professor in Annamalai University and the other brothers are highly acquiring educational qualifications. The petitioner has not stated anywhere in the affidavit that the petitioner and her family members are not in a position to maintain their family and they are also in indigent circumstances.

5. The catena of the Judgment of this Court as well as the Hon'ble Supreme Court, it is held that as per existence claim at the time of sudden death of the employee who is a sole bread-winner of the family while was in service and the members are indigent circumstances to manage their livelihood without financial support, the Government has passed an Government Order by providing compassionate ground employment to the dependent of the deceased employees. But, the facts of the case in hand is concerned, no particulars has been furnished by the petitioner that their family members are indeed a financial support to maintain their family. Further, the petitioner has claimed an employment on compassionate ground, after lapse of 10 years. Therefore, in the light of ratio principles laid down by this Court as well as Hon'ble Supreme Court, the relief sought for by the petitioner cannot be granted and the reason made by the petitioner to interfere with the impugned order is unsustainable in law. Therefore, there is no merits in the instant writ petition and consequently, the instant writ petition is liable to be dismissed.

6. By considering the facts and circumstances of the facts of the case, the instant writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //



To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

2. The District Educational Officer,
Kanyakumari District, Nagercoil.

+1 CC to Mr.G.V.VAIRAM SANTHOSH, Advocate (SR-79050[F] dated
01/08/2019)

+1 CC to SPL GP (SR-79190[F] dated 01/08/2019)

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