

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4916 OF 2019

ORDER

The petitioner claims to be widow of one Mohd. Abdul Nayeem Khan, a Junior Assistant, who was in the service of the Government Boys High School, Kalikaman, Gulzar House, Hyderabad, and who died in harness. The petitioner sought compassionate appointment leading to issuance of the proceedings dated 17.10.2017 of the District Educational Officer, Hyderabad District, State of Telangana. Therein, the District Educational Officer, asked the petitioner to furnish various documents, including a 'No Earning/Financial status certificate issued by the Tahsildar/RDO concerned'. Having applied for such a certificate online, the petitioner filed this writ petition complaining of inaction on the part of the Tahsildar, Champapet, Hyderabad, in issuing the certificate required by the District Educational Officer.

Learned Assistant Government Pleader for Revenue was asked to ascertain and inform this Court as to what is the basis for issuance of such a certificate by the Tahsildar/RDO concerned.

Today, the learned Assistant Government Pleader produced a Circular Memo issued on 24.03.2012 by then Government of Andhra Pradesh, but perusal thereof reflects that the same only dealt with the status of family pension in the context of assessing the penurious condition of an applicant for compassionate appointment. This Court is not informed as to what is the basis and what would be the exercise undertaken by revenue authorities to ascertain the financial status or existence of any earning member in the family of the applicant for compassionate appointment. Each department which extends the benefit of compassionate appointment would necessarily have to take its own initiative to ascertain the financial status of the applicant. There is no legal basis for the revenue authorities to be visited with this responsibility. As the application of the petitioner is under consideration before the District Educational Officer,

Hyderabad District, it is for the Education Department to cause necessary enquiries to ascertain the financial status of the petitioner and as to whether there is any other earning member in her family. There is no legal foundation for the District Educational Officer, Hyderabad District, to insist upon production of a 'No Earning/Financial status certificate from the Tahsildar/RDO concerned'. The petitioner having accepted the direction of the District Educational Officer, Hyderabad District, however made an application to the Tahsildar, Champapet, Hyderabad, and now complains of inaction.

In the light of the opinion expressed above, this Court is of the view that the Tahsildar, Champapet, Hyderabad, cannot be found fault with for not acting upon the said application as there is no legal regime put in place to require issuance of such certificate through his office.

The writ petition is accordingly disposed of directing the District Educational Officer, Hyderabad District, to process the petitioner's application for compassionate appointment without insisting upon production of a 'No Earning/Financial status certificate from the Tahsildar/RDO concerned'. This order shall however not preclude the Education Department of the State from independently carrying out necessary enquiries to ascertain the financial status of the petitioner to assess her eligibility for compassionate appointment.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

25th MARCH, 2019

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