

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10686 of 2019

ORDER:

With the consent of learned counsel for both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the 1st respondent in not appointing the petitioner as Junior Assistant in the existing vacancies on compassionate grounds, in spite of the fact that the petitioner has passed Intermediate, and appointing her as Office Subordinate without following G.O.Ms.No.577 dated 29.10.1993, in spite of her representations to the respondents on 24.04.2019 and 09.05.2019, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to declare that the petitioner is eligible for appointment to the post of Junior Assistant as per G.O.Ms.No.577 dated 29.10.1993 with all consequential benefits.

Heard the learned counsel for the parties.

It has been contended by the petitioner that her father was employed as Head Constable with the respondents and while he was discharging his duties, he has expired on 22.01.2018 and thereafter the petitioner has submitted applications to the respondents on 24.04.2019, seeking compassionate appointment, and the respondents have considered her case as Office Subordinate, instead of Junior Assistant, vide proceedings dated 27.04.2019. Thereafter, the petitioner has submitted a representation to the respondents on 09.05.2019 requesting them to appoint her as Junior Assistant strictly in terms of G.O.Ms.No.577 dated 29.10.1993, instead of Office Subordinate.

Learned counsel for the petitioner submits that so far the respondents have not passed any orders on the representation submitted by the petitioner on 09.05.2019 nor considered the case of the petitioner for appointment to the post of Junior Assistant in terms of G.O.Ms.No.577 dated 29.10.1993. Therefore, learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 09.05.2019 submitted by the petitioner and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner will be considered and appropriate orders would be passed on the representation dated 09.05.2019 submitted by the petitioner.

This Court, having considered the submissions of learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents 1 and 2 to consider the representation dated 09.05.2019 submitted by the petitioner and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th June 2019
v v