



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.11620 of 2020
(Through Video conferencing)

K.Sridhar

...Petitioner

-Vs-

1.The Chief Secretary to Government,
Tamilnadu Government,
Secretariat, Chennai - 600 009.

2.The Secretary,
Department of School Education,
Chennai - 600 009.

3.Under Secretary to Government,
Labour and Employment Department,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.

4.The Chief Educational Officer,
Office of the C.E.O.,
Collectorate,
Virudhunagar District- 626 003.

5.The District Educational Officer,
Office of the C.E.O.,
Collectorate,
Virudhunagar District - 626 003.

6.The Block Educational officer,
Office of the C.E.O., Collectorate,
Virudhunagar - 626 003.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to provide an appointment to the petitioner on compassionate ground by considering his representation dated 21.06.2015.

For Petitioners : Ms.M.Benazir Begum

For Respondents : Mr.M.Thilagar, Government Advocate

ORDER

The Prayer sought for in this writ petition is for a writ of Mandamus, directing the respondents to provide an appointment to the petitioner on compassionate ground by considering his representation dated 21.06.2015.

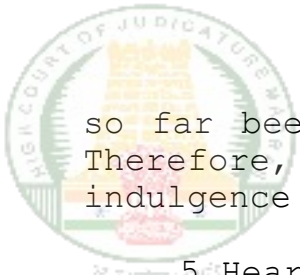
<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner's father one Kannan was working as Elementary School Headmaster at Thathampatti Panchayat Union School and he died suddenly on 18.02.2001. In view of the sudden demise of the father of the petitioner, the family has been left in indigent circumstances. Therefore, in order to bailout the family of the petitioner, his elder brother one Venkatesan had given application seeking for compassionate appointment on 18.02.2003. Subsequently, on 01.08.2006, the wife of the deceased, who is the mother of the petitioner also made an application to give compassionate appointment to his elder son viz., Venkatesan. Subsequently, the family decided to seek compassionate appointment to the petitioner, who is the younger brother instead of the elder brother Venkatesan and accordingly, a revised application on 21.06.2015 was given by the petitioner seeking for compassionate appointment. Along with the said application, death certificate of his father, legal heir certificate, educational qualifications and certificate to that effect including community certificate, birth certificate and certificate issued by the revenue department to establish that, the petitioner's family is still in indigent circumstances and also income certificate had all been annexed. Along with the said application, separate no objection certificates given by each of the family members other than the petitioner for giving job to the petitioner on compassionate ground had also been annexed.

3.On consideration of these applications, the District Educational Officer, Virudhunagar District, on 06.01.2016 directed the Assistant Educational Officer to send the Government Order, if any available for consideration of compassionate appointment to an applicant, who subsequently made application, instead of earlier application made by other member of the family. The very same query, in turn, was raised by the 6th respondent to the petitioner also. The petitioner's mother has given reply on 26.04.2018. Subsequently, the issue as to whether any Government Order is available as claimed by the official respondents was sought for under RTI Act and on 19.11.2019, the concerned Under Secretary to Government, has communicated that, there is no such Government Order. Therefore, the fact remains that, there is no specific Government Order as to how could deal with the applicant's application submitted subsequently, apart from the earlier application submitted by the another member of the family, even though, to the support of the second application by another member of the family, no objection certificates have been given by all members of the family and there is no such Government Order to that effect is available.

4.By citing all these reasons, the learned counsel appearing for the petitioner would submit that, despite this position, the applications submitted by the brother of the petitioner dated 18.02.2003, following which, the petitioner on 21.06.2015, have not



so far been considered and they have been kept pending all along. Therefore, the learned counsel appearing for the petitioner seeks indulgence of this Court to issue a writ of mandamus to that effect.

5. Heard the learned Government Advocate, who would submit that, the said application submitted by the petitioner dated 21.06.2015 along with necessary documents would be considered on merits and an order to that effect would be passed by the respondents, within a time frame that may be stipulated by this Court.

6. Considering the said submissions made by both sides and having regard to the said facts of the case referred to above, this Court is inclined to dispose of this writ petition with the following order:

"The respondents, especially, the respondents 4 and 5 are hereby directed to consider the representation of the petitioner dated 21.06.2015 along with necessary certificates submitted by the petitioner seeking compassionate appointment and accordingly, decide the same on merits and in accordance with law and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order."

8. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Secretary to Government,
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Secretariat, Chennai - 600 009.



2.The Secretary,
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Chennai - 600 009.

3.The Under Secretary to Government,
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6.The Block Educational officer,
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+1 CC to M/s.GP (SR-16888[F] dated 15/09/2020)

Order made in
W.P. (MD) No.11620 of 2020
14.09.2020

CK(CO)
AP(09/11/2020) 4P 8C