**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved on	28.02.2020
Pronounced on	29.06.2020

CORAM:**THE HONOURABLE MR. JUSTICE M.S.RAMESH****W.P. (MD) No.12998 of 2016**

S.Senthilkumar

...Petitioner

Vs.

1.The District Educational Officer,
O/o.The District Educational Officer,
Government boys Higher Secondary School Premises,
Paramakudi,
Ramanathapuram District.

2.The District Elementary Education Officer,
O/o.The District Elementary Education Officer,
Aranmanai Premises,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Elementary Educational Officer,
O/o.The Assistant Elementary Educational Officer,
Kamudhi,
Ramanathapuram District.

...Respondents

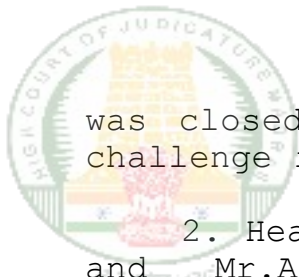
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.1251/A1/2016, dated 22.03.2016 on the file of the first respondent and to quash the same as illegal and consequently to direct the respondents to consider the petitioner for appointment on compassionate ground to any available post within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Thiyagarajan, GA

O R D E R

The petitioner's father late V.Subramanian, died in harness, on 04.01.2000, while working as a Head Master at a Panchayat Elementary School, Ramanathapuram District under the respondents herein. The petitioner's request for compassionate appointment through the impugned order dated 22.03.2016 stating that the first respondent had requested for producing proposal for compassionate appointment in Triplicate and since the same was not received, the claim itself



was closed on 13.09.2007. The said impugned order is put under challenge in the present Writ Petition.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing on behalf of the respondents.

3. The brief facts of the case are that, after the death of the petitioner's father, the petitioner had given a representation on 04.09.2000 seeking for compassionate appointment. The petitioner and his mother had made several representations on 04.09.2000, 04.01.2001, 10.12.2003 and 03.07.2006. Ultimately, a consolidated representation was made on 03.09.2015. Since the respondent had not acted on all these representations, he had filed a Writ Petition in W.P.(MD) No.22372 of 2015 and this Court, by its order dated 14.12.2015, directed the respondents to consider the petitioner's representation dated 03.09.2015, within a period of six weeks. It is in this background that the first respondent herein had passed the impugned order stating that through the communication dated 24.04.2007, the third respondent was asked to produce the proposal in triplicate about the fact of petitioner's compassionate appointment and though the same was communicated to the petitioner, the proposal was not received in time and therefore, the claim itself was closed on 13.09.2007. Apart from the aforesaid statements, no other reasonings was assigned in the impugned order as to why the petitioner's claim is rejected and that the respondent herein had not assigned any other reasonings in regard to the eligibility of the petitioner's claim for compassionate appointment.

4. However, the fact remains that the petitioner herein had already submitted his proposal for compassionate appointment on 04.09.2000 itself which is within 8 months from the date of death to petitioner's father. This aspect was also brought to the notice of this Court in the earlier occasion when the Writ Petition in W.P.(MD) No.22372 of 2015 was filed. The respondents seems to have lost sight of this and in ignorance of the same, the petitioner's claim was closed hastily. Since the respondents have not taken into consideration, the petitioner's earlier representation dated 04.09.2000, which would be sufficient for them to arrive at the conclusion with regard to petitioner's eligibility, it would be appropriate to direct the first respondent herein to reconsider the issue afresh, in the light of the petitioner's earlier representation dated 04.09.2000.

5. In the light of the above observations, the impugned order passed by the first respondent dated 22.03.2016 is set aside. Consequently, the petitioner is hereby called upon to give a fresh representation including the copy of this order along with his earlier representation dated 04.09.2000 to the first respondent herein as expeditiously as possible. On receipt of such a representation along with the copy of the representation dated



04.09.2000, the first respondent shall act upon the same and pass appropriate orders, as expeditiously as possible, in any event, within a period of six weeks from the date of receipt of a copy of the petitioner's representation.

6. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Educational Officer,
Government Boys Higher Secondary School Premises,
Paramakudi,
Ramanathapuram District.

2.The District Elementary Education Officer,
Aranmanai Premises,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Elementary Educational Officer,
Kamudhi,
Ramanathapuram District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-9577[F] dated
02/03/2020)

order in
W.P. (MD) No.12998 of 2016
29.06.2020

VB (20.07.2020) 3P 5C