

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1128 of 2015

And

M.P.Nos.1 and 2 of 2015

G.Srinivasan

... Petitioner

Vs.

1.The Director of School Education,
D.P.I. Compound
College Road,
Nungambakkam,
Chennai - 600 006.

2.The District Educational Officer,
Vellore District,
Vellore - 632 004.

3.The District Elementary Educational Officer,
Vellore District,
Vellore - 632 004.

4.The Assistant Elementary Educational Officer,
Kanniyampadi
Vellore District,
Vellore - 623 102.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the District Educational Officer, Vellore, the second respondent herein made in Na.Ka.No.6051/A1/2013, dated 25.04.2014, quash the same and direct the respondents herein to appoint the petitioner herein as Junior Assistant or in any other suitable post commensurate to his educational qualification on compassionate grounds in any one of the existing vacancies under the control of the respondents notionally with effect from the date on which his immediate junior in the waiting list of compassionate appointment came to be appointed, with all consequential service and monetary benefits and disburse all the arrears within a

short date that may be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Rajkumar

For Respondents: Ms.V.Annalakshmi
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking to quash the proceedings of the second respondent dated 25.04.2014 and to direct the respondents to appoint him as Junior Assistant or in any other suitable post on compassionate grounds.

2.The learned counsel appearing for the petitioner submitted that the petitioner's father worked as Head Master in the Panchayat Union Elementary School and died in harness on 24.10.1999. Before his death, he had given application for voluntary retirement. Though the said application was not accepted before his death, the petitioner could not make representation seeking employment on compassionate grounds immediately, since there was a controversy regarding the death of his father as to whether he died while he was in service or after he retired from service on medical invalidation. The said issue was agitated before the Tamil Nadu Administrative Tribunal in O.A.No.2186 of 2004 and the same was decided by the Tribunal on 19.05.2004. Thereafter, the petitioner initially made representation to the respondents seeking employment on compassionate grounds on 25.10.2004. Thereafter, again he made representation to the respondents on 25.10.2005 explaining the reason for the delay in submitting the representation, however, the impugned proceedings came to be passed.

3.The learned Government Advocate appearing for the respondents submitted that the petitioner made representation to the respondents seeking employment on compassionate grounds belatedly and hence, his claim was rejected.

4.The petitioner's father's status, whether he continued in service or retired from service on medical invalidation came to be decided by the Tribunal only on 19.05.2004. Thereafter, initially the petitioner has made representation seeking employment on compassionate grounds to the respondents on 25.10.2004, which, while considering the entire facts and circumstances of the case, is well within the limitation period. Hence, the impugned proceedings dated 25.04.2014 is set aside and the matter is remitted back to the respondents for fresh consideration. The respondents shall consider the claim of the petitioner afresh and pass appropriate orders, on merits and as

per law within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director of School Education,
D.P.I. Compound
College Road,
Nungambakkam,
Chennai - 600 006.
- 2.The District Educational Officer,
Vellore District,
Vellore - 632 004.
- 3.The District Elementary Educational Officer,
Vellore District,
Vellore - 632 004.
- 4.The Assistant Elementary Educational Officer,
Kanniyampadi
Vellore District,
Vellore - 623 102.

+1cc to Mr.K.Raj Kumar, Advocate, S.R.No.20221
+1cc to the Government Pleader, S.R.No.20181

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And
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PCH(CO)
CB(21/05/2021)

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