



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.1390 OF 2016

M.Sabira Bi,
W/o. Late Mohammed Maideen

...Petitioner

-Vs-

The Secretary/Correspondent,
New College, Royapettah,
Chennai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to give compassionate employment of the petitioner's son M.Khader as sought vide representations dated 01.10.2007 and 21.09.2015.

For Petitioner : Mr.N.A.Nassir Hussain
for Mr.N.A.Nissar Ahmed

For Respondent : Mr.Abdul Rahim

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein is the wife of one late Mohammed Maideen, who is claimed to have served the respondent-College for a considerable time and had expired on 29.07.2007, while he was employed as an Office Assistant. The present writ petition is for an issuance of Writ of Mandamus directing the respondent to consider the petitioner's request for granting appointment to her son on compassionate grounds.



3. It is not in dispute that the respondent is not governed under any scheme for granting appointments on compassionate grounds to the children of their deceased employees. In the absence of such a scheme, this Court may not be justified in directing the respondent to consider such a request. However, it is seen that after the petitioner's husband died on 29.07.2007, she seems to have been continuously making representations to the respondent seeking for compassionate appointment to her son. Whenever representations of this nature are made, the Management is required to consider such a request, in one way or the other, instead of keeping the same pending for years together. In this background, this Court is of the view that non-consideration of such a request would amount to dereliction of duties and as such, this Court would be justified in exercising its powers under Article 226 of the Constitution of India and thereby direct the respondent to consider the petitioner's representations.

4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representations dated 01.10.2007 and 21.09.2015 on its own merits, within a period of 6 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the petitioner's entitlement to seek for appointment to her son on compassionate grounds.

5. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

hvk

To:
The Secretary/Correspondent,
New College, Royapettah,
Chennai.

+1cc to Mr.A.Abdul Rahim, Advocate, S.R.No.68864

W.P.No.1390 of 2016

CA(CO)
RLP(04/01/2022)