

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 30.03.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**W.P.No.35986 of 2015**

K.Krishnamoorthy

... Petitioner

Vs.

1.The Govt. of Tamilnadu,  
Rep. by its Secretary,  
School Education Department,  
Fort St.George,  
Chennai – 600 009.

2.The Director of School Education,  
DPI Campus,  
College Road,  
Chennai 600 006.

3.The Chief Educational Officer,  
Chief Education Office,  
Perambalur.

4.The District Educational Officer,  
District Education Office,  
Perambalur.

... Respondents

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the record relating to the order of the fourth respondent in his proceedings Na.Ka.No.3537/A1/2015 dated 04.08.2015 and quash the same and give a direction, directing the respondents 1 to 4 to pass an order of

appointment to the petitioner on compassionate grounds and appoint the petitioner as the petitioner's father was regularised with retrospective effect.

For Petitioner : Mr.V.Krishnamurthy  
For Respondents : Mr.V.Annalakshmi  
Government Advocate

**ORDER**

Heard both sides and perused the materials available on record.

2.The petitioner has filed this writ petition seeking to quash the proceedings of the fourth respondent dated 04.08.2015 and to direct the respondents to appoint him on compassionate grounds.

3.The case of the petitioner is that his father died on 10.10.2003 while he was in service. Thereafter, he made representation to the respondent seeking appointment on compassionate grounds, however, the impugned order came to be passed. Hence, this writ petition.

4.The fourth respondent has filed a counter affidavit stating that the petitioner is now working in a private company and hence, the petitioner's family is not in indigent circumstances.

5.The impugned order proceeds to decide the case on wrong footing that the petitioner's father was not a permanent employee, but the fact remains that vide proceedings dated 15.04.2013, his services were regularised with effect from the date of his appointment and all the service benefits were also granted to him. When such being the position the impugned order without proper reference to the documents placed cannot be sustained.

6.Hence, the impugned order dated 04.08.2015 is set aside and the matter is remanded back to the respondents for fresh consideration. The respondents shall consider the petitioner's claim for appointment on compassionate grounds and pass appropriate orders, after granting due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, the writ petition stands disposed of.  
No costs.

30.03.2021

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Speaking Order/ Non Speaking Order  
Index: Yes/ No      Internet: Yes/ No

3/4

**R.MAHADEVAN,J.**  
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To

- 1.The Secretary,  
School Education Department,  
Fort St.George,  
Chennai – 600 009.
- 2.The Director of School Education,  
DPI Campus,  
College Road,  
Chennai 600 006.
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