

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7442 of 2015

M.Baskar

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
 - 2.The Director of School Education,
College Road,
Chennai 600 006.
 - 3.The District Educational Officer,
District Collectorate Complex,
Salem.
 - 4.The District Elementary Educational Officer,
District Collectorate Complex,
Salem - 1.
 - 5.The Additional Assistant Elementary Educational Officer,
Attur Region,
Attur Salem District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the fourth respondent in his proceedings Na.Ka.No.2068/Aa1/2014 dated 13.01.2015 and quash the same and consequently direct the respondents to appoint the petitioner as Junior Assistant or any other suitable job on compassionate ground by giving age relaxation.

For Petitioner : Mr.K.H.Ravikumar

For Respondents : Mr.V.Annalakshmi
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking to quash the proceedings of the fourth respondent dated 13.01.2015 and to direct the respondents to appoint him as Junior Assistant or any other suitable job on compassionate grounds.

2.The case of the petitioner is that his father was working as Primary School Headmaster in Manjini Panchayat Union Elementary School and died on 17.01.2000 while he was in service. His elder brother got married during the year 1997 and was living separately. Hence, the petitioner's mother made representation dated 18.12.2000 to the respondents seeking appointment on compassionate grounds to the petitioner. Since there was no response, the petitioner's mother and the petitioner made repeated representations to the respondents seeking appointment on compassionate grounds to the petitioner, however, the impugned order came to be passed. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that without considering the fact that the elder brother of the petitioner got married prior to the death of his father and living separately, the fourth respondent rejected the petitioner's application seeking compassionate appointment by the order impugned herein and hence, the same is liable to be set aside.

4.The third respondent has filed a counter affidavit stating that the compassionate grounds employment is not a hierarchy and it is based on the indigent circumstances of the family and the qualification of the family members of the deceased Government servant.

5.Heard both sides and perused the materials available on record.

6.Though the application seeking compassionate appointment was made within the limitation period, the fourth respondent rejected the said application, without taking into consideration that the elder brother of the petitioner got married during the year 1997 i.e, prior to the death of the deceased Government servant and was living separately and hence, the same is liable to be set aside.

7.Accordingly, the impugned order dated 13.01.2015 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 opportunity to the petitioner for submission of the required materials. Such an

exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

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5. The Additional Assistant Elementary Educational Officer,
Attur Region,
Attur Salem District.

+1cc to Mr.K.H.Ravikumar, Advocate SR.No.20580

+1cc to Government Pleader SR.No.21021

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SSN(CO)
GMY(22/06/2021)