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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE A.A.NAKKIRAN

W.P. No.17194 of 2021

Asharafulla

.. Petitioner

Versus

1. The Secretary to the Government of Tamil Nadu,
Education Department,
Fort St.George, Secretariat, Chennai - 600 009.
2. The District Collector,
Vellore District.
3. The Director of Municipal Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
4. The Deputy Director (Executive),
Administrative of Elementary Education,
Chennai - 600 009.
5. The Head Master,
Arakonam Municipality Urdu Primary School,
Arakonam, Vellore District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus calling for the records pertaining to the letter dated 30.09.2009 vide O.Mu.No.43888/09/H2, issued by the 3rd respondent and quash the same and consequently direct the respondents to consider the petitioner for suitable employment on compassionate grounds in th office of the 4th respondent.

For Petitioner : Mr.K.Ezhumalai

For Respondents : Mr.S.Arumugam for R1 to R3
Government Advocate



ORDER

With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. Mr.S.Arumugam, learned Government Advocate, takes notice for the respondents 1 to 3.

3. This Writ Petition is filed challenging the letter dated 30.09.2009 vide O.Mu.No.43888/09/H2 of the 3rd respondent by which the petitioner's request for appointment on compassionate ground has been rejected.

4. The case of the petitioner is that the father of the petitioner died on 26.05.1988, who was an employee of 5th respondent School and after a period of 20 years, for the first time, the petitioner made a representation dated 14.08.2009 seeking appointment on compassionate ground. There were correspondences between the respondents and the petitioner and finally, the petitioner was informed that he is not entitled to compassionate ground appointment.

5. Learned counsel for the petitioner has submitted that petitioner is the only male heir to the deceased father and at the time of the death of his father, his sister and himself were minors. His mother is an uneducated person and not aware of the claims on compassionate grounds. He completed Post Graduation in Microbiology. In spite of his representations, he was not replied favourably.

6. Learned Government Advocate appearing for the respondents 1 to 3 has submitted that G.O.(Ms).No.18 dated 23.01.2020 confers that the application for the compassionate ground appointment may be submitted within 3 years from the date of death of the Government Servants. The representation of the petitioner was not submitted within the time limit prescribed in the said Government Order. Hence, the petitioner is not entitled to compassionate appointment.

7. In view of the abovesaid G.O.(Ms)No.18 dated 23.01.2020, this Court do not find any merit in the Writ Petition and hence, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

gv



To

1. The Secretary to the Government of Tamil Nadu,
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2. The District Collector,
Vellore District.
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Arakonam, Vellore District.

+1cc to Mr.R.Abdul Mubeen, Advocate, S.R.No.41248

+1cc to the Government Pleader, S.R.No.41740

W.P. No.17194 of 2021

AD(CO)
SU(17/09/2021)