



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.07.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.22197 of 2014
and M.P.No.1 of 2014

K.Suresh

... Petitioner

Vs.

1. The State represented

The Secretary to Government,
Department of Education,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Director of School Education,

College Road, Nungambakkam,
Chennai - 600 006.

3. The District Educational Officer,

District Educational Office Virudhachalam,
Cuddalore District.

4. The Head Master,

District Boys Higher Secondary School,
Thittakudi, Cuddalore District.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent made in Pa.Mu/No.11388/ A1/2004, dated 27.04.2006 and consequential proceedings made in O.Mu.No.1190/A1/2007, dated 18.05.2007 and quash the same and consequently direct the respondents to appoint the petitioner as Junior Assistant on compassionate ground.

For Petitioner : Mr.T.Chandrasekaran
For Respondents : Mr.C.Selvaraj
Government Advocate (Civil)

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent made in Pa.Mu/No.11388/A1/2004, dated 27.04.2006 and consequential proceedings made in O.Mu.No.1190/A1/2007, dated 18.05.2007 and quash the same and



to the third respondent for favourable consideration. It is not the case of the respondent that the marriage of the sister was solemnized in an affluent manner and that the family is in good financial condition. The marriage could have been solemnized in a simple manner. In this country, there is no prohibition for poor people getting married nor it can construe that the family solemnizing the marriage shall be affluent. Unless materials are produced to prove that the family is not in indigent circumstance, the application shall be considered for compassionate ground appointment as per the prevailing conditions of the family on the date of application. Delay in considering the application and survival of the family till such time shall defeat the object of the Scheme. The applicant could have completed his studies with the aid of scholarship given by Government or with the help of others. Payment of college fees may not be an appropriate criteria to measure the indigence of the family. Therefore, completing graduation during the pendency of the application will not debar a person for being considered on compassionate grounds. There shall be materials to make such a statement. Without any evidence for making such a statement, it is made for the purpose of rejection of the application. It shall be construed as such statements are made on conjectures and surmises. The rejection order is not supported by any material evidence to show that the family is not in indigent circumstance and that it does not require any assistance from the Government by way of compassionate appointment.

6. Only because the application is delayed, none can expect that the family should not survive. To eke out their livelihood, the family members may engage themselves in petty works and earn meager sum, which will not preclude the family members insisting on the request to get compassionate appointment. Therefore, the rejection order on the basis of the conjectures and surmises is not sustainable and, accordingly, the same is set aside. The respondents are directed to consider the application of the petitioner taking into consideration the prevailing condition of the family and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Department of Education, Secretariat,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
College Road, Nungambakkam, Chennai - 600 006.
3. The District Educational Officer,
District Educational Office Virudhachalam,
Cuddalore District.
4. The Head Master,
District Boys Higher Secondary School,
Thittakudi, Cuddalore District.

+1cc to Mr.T.Chandrasekaran, Advocate SR.No. 34499

+1 cc to Government Pleader Sr.No. 34743

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VSN II(CO)
B.VC(23.08.2021)