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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.23702 of 2021

(Through Video Conferencing)

K.Kalaiselvi

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. By its Principal Secretary,
School Education Department,
Fort St. George, Chennai-600 009
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006
3. The Chief Educational Officer,
Thiruvarur,
Thiruvarur District.
4. The District Educational Officer,
Mannarkudi,
Thiruvarur District.
5. The Block Educational Officer,
Thiruthuraiipoondi,
Thiruvarur District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 04.05.2021 made in oh. Mu. No.1782/A1/2020 on the file of the third respondent herein and quash the same and consequently, direct the respondents to appoint the petitioner in anyone of the posts commensurate with his educational qualification on compassionate ground.

For Petitioner : Mr.C.Munusamy

For R1 to R5 : Mr.L.S.M.Hasan fizar
Govt. Advocate



ORDER

It is the case of the petitioner that the petitioner's father was serving as a Headmaster with the Education Department and died on 19.07.2007. The petitioner had filed an application for appointment on compassionate ground on 30.10.2009. The learned counsel for the petitioner submits that the aforesaid application for appointment on compassionate ground had been duly acknowledged by the Authority on 05.11.2009. It is submitted that the petitioner's mother has also forwarded a letter and also petitioner's brother has given an affidavit stating that he has no objection for appointing the petitioner on compassionate ground.

2.The learned counsel for the petitioner further submitted that the petitioner's mother has also sent a representation in 2009 with a request to the 3rd respondent to appoint the petitioner on compassionate ground as she was medically unfit and was not fully qualified. He therefore submits that the petitioner has completed her Diploma in Teacher Education as early as 18.12.2008.

3.Appearing on behalf of the respondent, the learned counsel for the respondent submits that the application for appointment on compassionate ground was returned for compliance by the Authorities on 29.11.2009 and therefore the petitioner cannot be claim for employment on compassionate ground based on the representation of the petitioner dated 19.02.2021. It is submitted that the application was belated and therefore this writ petition is liable to be dismissed.

4.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5.The fact that the petitioner's father was employed as a Headmaster at the Panchayat Union Middle School, Manali, Thiruthuraipoondi Taluk, is not in dispute. The petitioner's father died on 19.07.2007 leaving behind his wife, his son and the petitioner as legal heirs. There is no dispute that an application for appointment on compassionate ground as early as on 30.10.2019. The legal heir certificate also indicates that the age of the petitioner as 22 years. The impugned order also refers to two other communications returning the application filed for appointment on compassionate ground on 23.11.2009 and 20.01.2010 for certain compliance.

6.The fact that the petitioner's application was filed as early as 30.10.2009 thus stands confirmed. The Government of Tamil Nadu has now passed a consolidated Government Order in G.O.Ms.No.18 dated 23.01.2020. The aforesaid G.O has also stated that application for appointment on compassionate ground has to made only within three years. It is noticed that there are over whelming evidence to indicate that



application was filed as early as 30.10.2009 in as much as there were two returns on 23.11.2009 and thereafter on 20.01.2020 for compliance by the petitioner.

7. Considering the above, this is a fit case for exercising the jurisdiction by directing the respondents to consider the application for appointment of the petitioner on compassionate grounds as the application has been filed within a period of three years from the death of the petitioner's father who was working as a Headmaster at the Panchayat Union Middle School, Manali, Thiruthuraipoondi Taluk.

8. The respondent may therefore pass appropriate orders considering whether the petitioners family is indigent circumstances or not. If the family is indigent circumstances, the respondent shall pass appropriate orders by appointing the petitioner on compassionate ground based on her qualification at the time of the petitioner's father's death. This exercise shall be carried out by the respondents within a period of 180 days from the date of receipt of a copy of this order.

9. This Writ Petition stands disposed with the above observations. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
School Education Department,
Fort St. George, Chennai-600 009
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006
3. The Chief Educational Officer,
Thiruvarur,
Thiruvarur District.
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5. The Block Educational Officer,
Thiruthuraipoondi,
Thiruvarur District.

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AKII (CO)
PR (07/12/2021)

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