



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.NO.16798 OF 2017

AND

W.M.P.NO.18245 OF 2017

K.Soundariya

... Petitioner

Vs

1. The District Elementary Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

2. The Assistant Educational Officer,
West Arni Panchayat Union,
Arni, Thiruvannamalai District.

3. The Headmaster,
Panchayat Union Primary School,
Vinnamangalam,
Arni Taluk,
Thiruvannamalai District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant appointment to the petitioner under the compassionate ground for the death of her father D.Krishnamurthy, who died while he was in service as Office Assistant at Panchayat Union School West Arni, Thiruvannamalai District.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.K.Tippu Sulthan
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2. Since the request of the petitioner to appoint her on compassionate grounds, in view of the death of her father D.Krishnamurthy, who died while he was in service as Office Assistant at Panchayat Union School, West Arni, Thiruvannamalai District, was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 05.09.2000, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 05.09.2000 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 05.09.2000 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sbn



To

1. The District Elementary Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.
2. The Assistant Educational Officer,
West Arni Panchayat Union,
Arni, Thiruvannamalai District.
3. The Headmaster,
Panchayat Union Primary School,
Vinnamangalam,
Arni Taluk,
Thiruvannamalai District.

+1cc to Mr.B.Gopalakrishnan, Advocate, Sr.No.34498
+1cc to the Government Pleader, SR No.34960

W.P.NO.16798 OF 2017 AND
W.M.P.NO.18245 OF 2017

SS(CO)
PBS(18/08/2021)