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W.P.No.23495 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.23495 of 2014

B.Renupriya

.. Petitioner

vs.

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The District Educational Officer,
Kancheepuram District.
Kancheepuram-631 501.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.No.586/A1/2012 dated 17.06.2014 on the file of the second respondent, quash the same and consequently, direct the respondents to appoint the petitioner as Junior Assistant on compassionate grounds within a stipulated time.

For Petitioner : M/s.K.Thilagaraj

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader
for R1 and R2



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ORDER

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2. The case of the petitioner is that her mother Mrs.Poongodi joined the services of the Education Department as P.G. Assistant (Tamil) on 05.12.1996 and she died while in service on 23.12.2012, leaving behind the petitioner's father and the petitioner as her surviving legal heirs. According to the petitioner, at the time of demise of her mother, her father was 51 years old and due to his illness, he was not employed anywhere either in Government service or with private employer. The petitioner completed her Higher Secondary Education and also acquired a Diploma in Computer Engineering and she submitted an application dated 15.04.2013 to the respondents seeking appointment on compassionate ground. However, the second respondent has rejected the petitioner's request, vide impugned order dated 17.06.2014 on the ground that at the time of demise of her mother, petitioner's father is very much available and he is a holder of B.Sc., B.Ed. degree and therefore he might have been gainfully employed at that time and



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it cannot be said that the family of the petitioner was in indigent circumstance on account of demise of the petitioner's mother. Challenging the said order of the second respondent, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would contend that the second respondent had failed to take into consideration the Enquiry Report dated 17.06.2013 submitted by the Headmaster of the School where the petitioner's mother was employed, wherein it was specifically stated that the father of the petitioner is unable to earn due to his illness and would further contend that the presumption arrived at by the second respondent is contrary to the proceedings of the Tahsildar dated 05.09.2013, wherein it has been categorically indicated that the father of the petitioner is not gainfully employed anywhere and the impugned order has been passed by the second respondent without any application of mind and therefore, on that ground, the impugned order is liable to be set aside.

4. Mr.T.Arunkumar, learned Additional Government Pleader appearing for the respondents would submit that since the petitioner's father possessed



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B.Sc., B.Ed., degree qualification, the second respondent was under the presumption that he might have been gainfully employed at the time of demise of petitioner's mother and therefore, the petitioner's claim has been rightly rejected by the second respondent.

5. A perusal of the impugned order passed by the second respondent would disclose that no sufficient material has been placed by the petitioner before the second respondent with regard to employment details of the petitioner's father, who possessed B.Sc., M.A., and B.Ed. Qualification and also as to whether he has been gainfully employed anywhere. The said fact has been disputed by the petitioner by placing reliance on the proceedings of the Tahsildar dated 05.09.2013, wherein it was categorically stated that the father of the petitioner is not gainfully employed anywhere. It is pertinent to point out that the proceedings of the Tahsildar dated 05.09.2013 was not taken into consideration before passing the impugned order and not even referred to by the second respondent in the impugned order. Therefore, this Court is of the view that the second respondent has passed the impugned order without conducting independent enquiry and proper reasons have not been assigned for rejecting the claim of the petitioner and therefore, the impugned order warrants interference.



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6. Accordingly, the impugned order of the second respondent in Na.Ka.No.586/A1/2012 dated 17.06.2014 is set aside and the first respondent is directed to consider the claim of the petitioner afresh, after giving opportunity to the petitioner and pass orders on merits and in accordance with law, as expeditiously as possible, within a period of four months from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands partly allowed.

No costs.

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Index : Yes / No

Internet : Yes / No

Jvm

To

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D.KRISHNAKUMAR. J

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