



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.4399 of 2020

K.S.Devika

... Petitioner

vs.

1.The Chief Educational Officer,
District Educational Office,
Madurai District,
Madurai.

2.The District Educational Officer,
Madurai District,
Madurai.

3.The District Elementary Educational Officer,
Madurai District,
Madurai.

4.The Assistant Elementary Educational Officer,
Madurai South,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and proceedings of the first respondent in Na.Ka.No.3906/A2/2019, dated 10.01.2020 and quash the same as illegal and consequently to direct the respondents to consider the petitioner's son namely S.Aravind Hrishikesh for appointment in any suitable vacancy for employment on compassionate ground.

For Petitioner : Ms.P.Yasim Begum

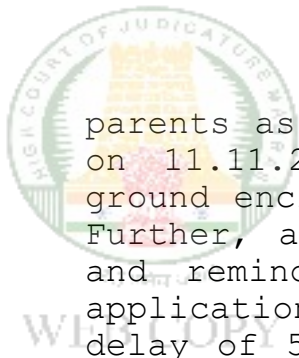
For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to quash the proceedings of the first respondent, dated 10.01.2020 and to direct the respondents to consider her son, namely S.Aravind Hrishikesh, for appointment on compassionate ground.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

3.According to the petitioner, while her husband, namely K.S.D.Sivakumar, was working as Log Clerk in the fourth respondent office, died on 26.10.2013, leaving behind herself, her son and aged



parents as his legal heirs. The petitioner submitted an application on 11.11.2014, seeking appointment for herself on compassionate ground enclosing all the required documents in a prescribed format. Further, according to the petitioner, inspite of repeated requests and reminders, the respondents did not pass any order on the application of the petitioner, dated 11.11.2014. In view of the delay of 5 years and ill-health of the petitioner, the petitioner gave an application, dated 25.11.2019, seeking appointment on compassionate ground for her son, who was studying B.B.A (2nd year) in the American College, Madurai, enclosing medical certificate of the petitioner. Subsequently, on the same day, the petitioner's son also sent a separate representation for considering him for appointment on compassionate ground. The first respondent, on receiving the said representations, by the impugned proceedings, dated 10.01.2020, rejected all the applications of the petitioner and her son stating that when the petitioner's initial application for compassionate ground is pending for perusal, the other application of the petitioner and her son are not maintainable. Challenging the same, the petitioner has come out with the present Writ Petition.

4. From the materials available on record, it is seen that the petitioner has submitted her application on 11.11.2014 seeking appointment for herself on compassionate ground. The respondents did not consider the same and kept the same for pending for more than 5 years. When the petitioner and her son submitted applications on 25.11.2019, seeking appointment for the petitioner's son due to ill-health of the petitioner, within 1-1/2 months of receipt of the applications, the first respondent, by impugned proceedings, dated 10.01.2020, rejected all the applications on the ground that when an earlier application is pending for consideration, subsequent applications are not maintainable. When the first respondent is of the view that subsequent applications are not maintainable, the respondents ought to have considered the earlier application of the petitioner in time and pass orders on merits. Without doing so, the first respondent rejected all the applications on erroneous reasons.

5. In view of the same, the impugned order, dated 10.01.2020, passed by the first respondent is liable to be set aside and the same is hereby set aside. The petitioner has stated that due to non-consideration of her earlier application for appointment on compassionate ground, she was forced to do tailoring work to maintain her family and educate her son. Due to the tailoring work, she is suffering from Hypothyroidism, Anemia with Osteoarthritis knee joints. Due to the inaction of the respondents for more than 5 years in not considering the application, the respondents are directed to consider the application of the petitioner seeking appointment on compassionate ground for her son and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



6. With the above directions, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Chief Educational Officer,
District Educational Office,
Madurai District,
Madurai.
2. The District Educational Officer,
Madurai District,
Madurai.
3. The District Elementary Educational Officer,
Madurai District,
Madurai.
4. The Assistant Elementary Educational Officer,
Madurai South,
Madurai.

+1 CC to M/s.SPL GP (SR-24009[F] dated 27/07/2021)

+1 CC to M/s.P.YASMIN BEGUM, Advocate (SR-24129[F] dated 28/07/2021)

W.P (MD) No. 4399 of 2020
26.07.2021

SGS (CO)
KB(19.08.2021) 3P 7C