



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.648 of 2021

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M.S.S.Jannathul Firthous

.. Appellant/Petitioner

Vs.

1.The District Educational Officer (i/c)
Dindigul District.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

.. Respondents/Respondents

(R2 suo motu impleaded vide order of Court
made in W.A.(MD) No.648 of 2021 dated
13.07.2021 by TSSJ and SAIJ)

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 19.01.2021, in W.P.[MD]No.7595 of 2017.

Prayer in WP(MD). 7595/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records passed by the respondent herein in Na.Ka.No.1039/A1/2017 dated 31.03.2017 and quash the same and consequently direct the respondent herein to consider the petitioners case for appointment on compassionate grounds.

For Appellant : Ms.M.Padmavathy

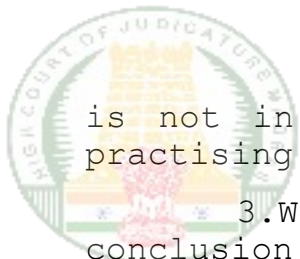
For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Ms.M.Padmavathy, learned counsel for the appellant and Mr.A.K.Manickam, learned Standing Counsel Government, appearing for the respondent.

2.This Writ Appeal by the writ petitioner is directed against the order dated 19.01.2021, in W.P.(MD) No.7595 of 2017, which was filed to challenge the order dated 31.03.2017, passed by the respondent, by which the application made for grant of appointment on compassionate ground was rejected by observing that the appellant



is not in indigent circumstances and her brother is an advocate practising before this Court.

3.We find from the order dated 31.03.2017, that the conclusion arrived at by the respondent, who is the District Educational Officer (i/c), Dindigul District is not based upon any report from the competent authority, who is entitled to certify the indigent circumstance of a person or a family. Therefore, without obtaining proper information from the revenue authorities, the District Educational Officer (i/c), cannot presume that merely because the appellant's brother is a practising lawyer, she is not in indigent circumstances.

4.We are informed that the appellant is a divorcee and she has a minor child and she is eking her livelihood on the part time tailoring jobs.

5.Since the indigent circumstance is required to be certified by the Tahsildar, who has to conduct necessary enquiry and submit a report, we are of the view that such exercise can be conducted and if it is found that the petitioner is still continuing in indigent circumstances, without fixed source of income, a certificate can be issued to that effect and the appellant can produce the same before the respondent and seek for re-consideration of the same. In order to effectively implement this direction, we *suo motu* implead Tahsildar, Natham, Dindigul District as the second respondent in this Writ Appeal. Mr.A.K.Manickam, learned Standing Counsel for Government, accepts notice on behalf of the second respondent.

6.Accordingly, the Writ Appeal stands allowed and the order passed by the learned Writ Court is set aside and the second respondent is directed to conduct enquiry into the financial status of the appellant and submit a report to the first respondent within a period of three weeks from the date of receipt of a copy of this order. On receipt of such report, the first respondent shall issue notice to the appellant informing about her financial status and thereafter, take a decision regarding appointment on compassionate grounds on merits and in accordance with law. It goes without saying that if the second respondent issue a certificate that the appellant is indigent, then the first respondent cannot sit on judgment on the financial status of the appellant and has to accept the certificate issued by the second respondent, unless and until the same is proved to be wrong in proper perspective. No costs.

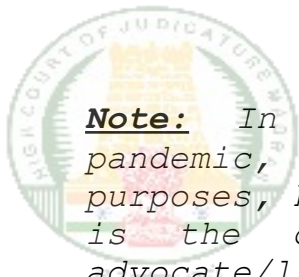
Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)



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.

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To
1.The District Educational Officer (i/c)
Dindigul District.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

+1 CC to M/s.M.PADMAVATHY, Advocate (SR-22794[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22700[F] dated 15/07/2021)

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13.07.2021

RD(2.08.2021) 3P 5C