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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1080 of 2020

and

C.M.P(MD) No.5890 of 2020

against

WP(MD) . 25731 of 2019

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Educational Department,
Chennai.
- 2.The Joint Director,
Department of School Education,
Chennai-600 006.
- 3.The District Educational Officer,
Ramanathapuram District,
Ramanathapuram.
- 4.The Headmaster,
Government High School,
Thirupalaikudi, Tihruvadanai Taluk,
Ramanathapuram District. ... Appellants/ 1 to 4
Respondents

Vs.

S.Vanaja ... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 28.02.2020 passed in W.P(MD) No.25731 of 2019.

Prayer in WP(MD) . 25731 of 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.55713/J3/2018 dated 24.7.2019 and quash the same as illegal and arbitrary and consequently directing the respondent to appoint the petitioner in any one of the post in the respondent department as suitable for her qualification .



For Appellants : Mr.A.K.Manickam
Standing Counsel for Government
For Respondent : Mr.K.Mahendran

JUDGEMENT

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

This Writ Appeal by the State is directed against the order dated 28.02.2020, in W.P(MD).No.25731 of 2019, filed by the respondent herein.

2.The said Writ petition was disposed of by common order along with another Writ Petition in W.P(MD).No.17347 of 2018. However, the appellants have not filed separate appeal against the said order.

3.We have heard Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the appellants and Mr.K.Mahendran, learned counsel appearing for the respondent.

4.The matter in issue is with regard to the entitlement of the respondent to secure employment on compassionate ground on account of demise of her mother. Admitted facts are there that during the life time of her mother, the petitioner's father married another woman and she was left alone to take care of her children, including the respondent herein. The respondent's mother died in harness on 17.05.1985 and the respondent had given an application as early as in the year 1996 itself for grant of appointment on compassionate ground. Initially, the application was rejected by an order dated 24.02.2011 on the ground that it was not submitted within three years from the date of demise of the employee. This order was challenged in W.P.(MD).No.4115 of 2011 and the order was set aside by order dated 10.02.2017. Thereafter, the respondent/writ petitioner pursued the matter once again. However, on the second time, the application was rejected on the ground that the respondent's brother has become a qualified lawyer and that she was married. This order was put to challenge in W.P(MD).No.17347 of 2018. When the writ petition was pending, the third order was passed stating that the application filed for compassionate appointment is belated and cannot be considered. So far the order passed in W.P (MD).No.17347 of 2018 is concerned, it has become final, since the appellants have not filed any appeal against the said order. So far the order impugned in W.P(MD).No.25731 of 2019 is concerned, the appellants cannot raise the issue regarding the delay in filing the application because of the order dated 10.02.2017 in W.P(MD).No.4115 of 2011. Therefore, the order of rejection dated 24.07.2019 has to be set aside.

5.In the result, the Writ Appeal is dismissed for the reasons

<https://hcservices.ecourts.gov.in/hcservices/>



assigned in the preceding paragraphs and the order of rejecting the application for compassionate appointment is set aside and consequently, there will be a direction to the appellants to provide appointment to the respondent/Writ Petitioner on compassionate ground after receiving a certificate issued by the Revenue Officials regarding financial status of the respondent. This direction shall be complied with within a period of three months from the date of receipt of a copy of this Judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /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.

- 1.The Secretary,
State of Tamil Nadu,
Educational Department,
Chennai.
- 2.The Joint Director,
Department of School Education,
Chennai-600 006.
- 3.The District Educational Officer,
Ramanathapuram District,
Ramanathapuram.
- 4.The Headmaster,
Government High School,
Thirupalaikudi, Tihruvadanai Taluk,
Ramanathapuram District.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-19238[F] dated 14/06/2021)

+1 CC to M/s.SPLGP (SR-19272[F] dated 14/06/2021)

W.A.[MD]No.1080 of 2020 and
C.M.P(MD) No.5890 of 2020
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