



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.17703 of 2020

WEB COPY

S.Jayaprathab

... Petitioner

vs.

1.The Joint Director (Personnel),
School Education, Chennai.

2.The District Elementary Educational Officer,
Trichy District, Trichy.

3.The District Educational Officer,
Lalgudi, Trichy District.

4.The Assistant Elementary Educational Officer,
Lalgudi,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the second respondent in his proceedings in Na.Ka.No.3462/A2/2014, dated 02.08.2014 and quash the same as illegal, consequently to direct 2nd respondent to consider the petitioner's case for compassionate appointment.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Subbaraj,
Government Advocate

ORDER

This Writ Petition is filed seeking for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the second respondent in his proceedings in Na.Ka.No.3462/A2/2014, dated 02.08.2014 and quash the same as illegal, consequently to direct 2nd respondent to consider the petitioner's case for compassionate appointment.

2. According to the petitioner, his father, who was working as Secondary Grade Teacher in Poovalur Panchayat Union Elementary School, died on 11.09.2010, while in service. The petitioner on 14.02.2011, made a representation before the third respondent seeking appointment on compassionate ground. The third respondent, directed the petitioner to produce the combined certificate. As per the direction of the third respondent, the petitioner obtained the



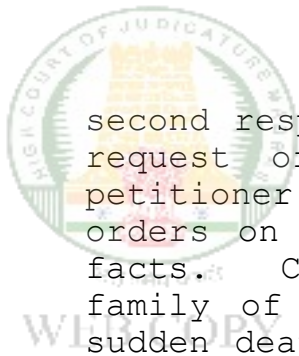
combined certificate, dated 29.07.2011 from the Tahsildar, Lalgudi and produced the same along with an application dated 27.01.2013 before the fourth respondent. While so, the petitioner's brother went to Saudi Arabia and was employed in a private concern and formed a separate family. The petitioner's sister also got married and settled with her husband. The petitioner is struggling to maintain his aged mother without any job. Again, on recommendation of 4th respondent, the second respondent directed the petitioner to submit a proforma by way of an application. The petitioner submitted an application on 08.07.2013, before the second respondent. While so, the second respondent, by his proceedings dated 02.08.2014, rejected the request of the petitioner for appointment on compassionate ground, on the ground that his brother is employed. Hence, the petitioner has filed the present Writ Petition on 30.11.2020, challenging the order of rejection dated 02.08.2014.

3. The learned counsel appearing for the petitioner submitted that the petitioner's father died on 11.09.2010. He made an application seeking compassionate appointment in the year 2011 and his brother secured a job in the year 2012. At the time of submitting application, none of the family members of the deceased employee, was employed. After three years, the second respondent rejected the application on flimsy reasons. The learned counsel appearing for the petitioner further submitted that in the meantime, the petitioner's brother also died in the year 2018 in Saudi Arabia and prayed for setting aside the order of the second respondent, dated 02.08.2014 and seeking a direction to the second respondent to consider the case of the petitioner for appointment on compassionate ground.

4. The fourth respondent has filed counter affidavit. Mr.P.Subbaraj, learned Government Advocate, reiterated the averments made in the counter affidavit and prayed for dismissal of this Writ Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. From the averments made in the affidavit filed by the petitioner, it is seen that the request of the petitioner for appointment on compassionate ground was rejected by the second respondent, by his proceedings dated 02.08.2014, on the ground that the petitioner's brother was employed. The petitioner did not challenge the said order immediately or within a reasonable time. It is pertinent to note that the petitioner was directed by the third respondent to produce combined certificate. As per the direction of the third respondent, the petitioner obtained combined certificate dated 29.07.2011, from the Tahsildar, Lalgudi. According to the petitioner, he has submitted the combined certificate on 27.01.2013 before the fourth respondent. The



second respondent by his proceedings dated 02.08.2014, rejected the request of the petitioner. Therefore, the contention of the petitioner that the second respondent has taken three years to pass orders on the representation of the petitioner is contrary to the facts. Compassionate appointment is given only to support the family of the deceased employee financially, who suffered due to sudden death of the breadwinner of the family. It is not a method of recruitment. In the present case, the petitioner's request was rejected on 02.08.2014. The petitioner filed this Writ Petition on 30.11.2020, challenging the said order, after more than six years. In such circumstances, the petitioner is not entitled to the relief sought for in the present Writ Petition.

Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Vsm

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 Joint Director (Personnel), School Education, Chennai.
- 2.The District Elementary Educational Officer,
Trichy District, Trichy.
- 3.The District Educational Officer,
Lalgudi, Trichy District.
- 4.The Assistant Elementary Educational Officer,
Lalgudi, Trichy District.

+1 CC to M/s.SPL GP (SR-19344[F] dated 15/06/2021)

W.P (MD) No.17703 of 2020
14.06.2021

mj (CO)

TR(24.06.2021) 3P 6C