



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A(MD)No.1998 of 2021

G.Karthik Raj

:Appellant/Petitioner

Vs.

1.The Director of School Education,
O/o. Directorate of School Education,
Chepauk,
Chennai - 600 005.

2.The Chief Educational Officer,
O/o. The Chief Education Office,
Ramanathapuram,
Ramanathapuram District.

3.The District Educational Officer,
O/o. The District Education Office,
Paramakudi,
Ramanathapuram District.

4.The District Elementary Educational Officer,
O/o. The District Elementary Education Office,
Paramakudi,
Ramanathapuram District.

:Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.19554 of 2017, dated 20.01.2021.

Prayer in WP(MD) . 19554/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No. 422/A1/2013 dated 05.06.2017 and quash the same as illegal and consequently to direct the respondents to appoint the



petitioner as Junior Assistant on compassionate ground within the period that may be stipulated by this Honble court.

For Appellant : Mr.P.Gunasekaran

For Respondents : Mr.P.Subbaraj,
Government Advocate

JUDGMENT

[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]

This writ appeal filed by the appellant / writ petitioner is directed against the order, refusing to consider the appointment of the writ petitioner on compassionate grounds. The challenge is to the order passed by the third respondent, dated 05.06.2017.

2. Admittedly, the father of the appellant /petitioner died in the year 2007 and his younger brother had applied for appointment in the year 2010. The said application was returned on 01.03.2012 by the first respondent stating that when the writ appellant, who is the elder son was qualified to apply for a job, he had allowed the younger son to apply for the same, with the no objection of the appellant, it was rejected. The said order was not challenged either by the brother of the appellant or by the appellant himself.

3.The only contention of the appellant is that he is qualified to be appointed in the respondent Department as he has completed the teacher training. It is a well-settled aspect that the appointment on compassionate grounds is not a matter of right and it is only a succor to the family, who lost its sole bread-winner. G.O.Ms.No.18 dated 23.01.2020, which was issued by the Government setting out the guidelines for appointment on compassionate grounds was also fixed the period of limitation as three years. The Hon'ble Supreme Court of India in **2020(2) SCC 729 (Indian Bank and Others Vs. Promila and Another)** also held that while considering the appointment on compassionate grounds, whatever the rules prevalent at the relevant point of time has to be considered.

4.In such circumstances, the application is not filed within three years. The application of the appellant is barred by limitation. Secondly, he has not challenged the earlier rejection order and had allowed to become final. Thirdly, it is rightly pointed out by the writ Court that he has not established that the family is in distress and that he is eligible for compassionate appointment.



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5. For the above said reasons, the writ appeal does not find any merit and accordingly, the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

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+1 CC to M/s.SPL.GP (SR-34083[F] dated 11/11/2021)

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RD(30/11/2021) 3P 6C

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