



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.1403 OF 2015

and

M.P(MD)No.2 of 2015

The Secretary,
Babuji Memorial Higher Secondary School,
Manavalakurichy - 629 252.
Kanyakumari District. :Appellant/Third Respondent
.vs.

1.J.C.Sindhu : FirstRespondent/Petitioner

2.The State of Tamil Nadu,
represented by its Secretary,
Education Department,
Fort St.George, Chennai.

3.The Director of School Education,
DPI Compound,
College Road,
Nungambakkam, Chennai. :Respondents 2 and 3 /
Respondents 1 and 2

(Cause title accepted vide order of this Court
made in M.P.No.1 of 2014 in W.A.SR.No.49872 of 2014,
dated 05.02.2015

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
Act praying this Court to set aside the order passed by this Court
in W.P(MD)No.1871 of 2008, dated 01.07.2014.

Prayer in WP(MD). 1871 of 2008 :

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 records relating to the order
of the third responent dated 19/11/2007 and quash the same and
further direct the respondnets to appint the petitioner as Tamil
Pandit on compassionate grounds in the third respondents school or
in any one of the 1 to 2 respondents schools.

For Appellant
For Respondent-1
For Respondents
2 and 3

:Mr.T.Antony Arul Raj
:Mr.T.Arul
:Mrs.S.Srimathy
Special Govt.Pleader

**JUDGMENT**

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

This Writ Appeal is filed by the appellant/third respondent challenging the order made in W.P(MD)No.1871 of 2008, dated 01.07.2014, in allowing the Writ Petition filed by the first respondent herein/Writ Petitioner, with certain directions.

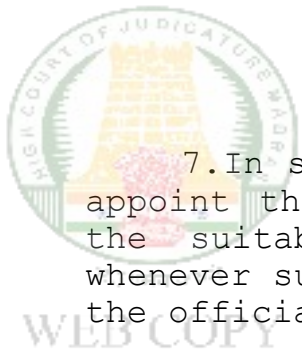
2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.This Writ Appeal is preferred by the School, in which, the Writ Petitioner's father was employed as a Teacher and died in harness on 14.10.1993. It is well settled that any appointment on compassionate grounds should be made within a period of three years from the date of demise of the Government servant. Here also, in the year 1995, the Writ Petitioner had attained majority and had applied through her mother for any post suitable to her on compassionate grounds and she has addressed to all the authorities including the School. The application made by the Petitioner was rejected on 19.11.2007 on the ground that the Writ Petitioner was a married woman and that she had not qualified herself for appointment to the post of Teacher. The said impugned order was put to challenge in the Writ Petition.

4.The learned Single Judge has considered the merits of the case and directed the appellant herein to appoint the Petitioner on compassionate grounds on merits and in accordance with law considering her educational qualification and appoint her in any one of the suitable post. The said order is now challenged in the present Writ Appeal.

5.It is not in dispute that the Writ Petitioner had applied for appointment on compassionate grounds within a period of three years. Though the appellant would raise objection that the school being a private aided school, whether the compassionate appointment could be made. The same was clarified by the learned Special Government Pleader by stating that by virtue of G.O.Ms.No.986, dated 22.10.1991, appointment on compassionate grounds is possible even in the Government Aided Schools. Therefore, that impediment is also not there. The next point that was raised by the school is that there are no vacancies from the date of the application and also considering the date of retirement of the existing staffs, in the near future. Therefore, the Writ Petitioner's claim for appointment on compassionate grounds would not be possible in the near future.

6.The learned counsel for the first respondent would submit that the Writ Petitioner has been qualified now with M.A., B.Ed., Degree. The battle for compassionate appointment is going on from the year 1993 and almost three decade is over by now.



7. In such circumstances, we only direct the appellant/School to appoint the first respondent herein/Writ Petitioner in any one of the suitable post including that of Clause-III or Clause-IV, whenever such vacancy arises and sent it for approval of the same to the official respondents.

8. With the above directions, the Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

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 Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai.

2. The Director of School Education,
DPI Compound,
College Road,
Nungambakkam, Chennai.

+1 CC to Mr. T. ANTONY ARUL RAJ, Advocate (SR-10321[F] dated 11/03/2021)

+1 CC to SPL GP (SR-10543[F] dated 11/03/2021)

+1 CC to Mr. T. ARUL, Advocate (SR-10470[F] dated 11/03/2021)

JUDGMENT MADE IN
W.A (MD) NO. 1403 OF 2015 and
M.P (MD) No. 2 of 2015
10.03.2021