



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.21170 of 2021

S.Tamilarasi

... Petitioner

versus

1. The Chief Educational Officer (CEO),
Ramanathapuram,
Ramanathapuram District - 623 528.

2. The Headmaster,
S.S.A.M. Government Higher
Secondary School,
Thiruppullani - 623 532,
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order passed by him vide his proceedings No.Mu.Mu.No.670/A1/2021 dated 13.10.2021 and quash the same as illegal and arbitrary and consequently, to direct the respondents to appoint the petitioner on compassionate ground within the time frame stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam
For R1 : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The writ petition is filed as against the order of rejection dated 13.10.2021 passed by the first respondent, on the application made by the petitioner for compassionate appointment.

2. The petitioner's brother one S.Sundaramoorthy, while working as P.G.Assistant in S.S.A.M. Government Higher Secondary School, Thiruppullani, died due to his illness on 11.03.2018. Since the petitioner's brother was an unmarried man, the petitioner is the only legal heir of the deceased Sundaramoorthy. Therefore, she submitted an application on 04.09.2020 seeking for compassionate appointment along with necessary documents. However, the first respondent rejected the request of the petitioner, vide his proceedings dated 13.10.2021, stating that the petitioner's name was not found in the legal heir certificate dated 14.01.2020 and no combined certificate has been produced.



3. The learned counsel appearing for the petitioner submitted that despite producing the combined certificate for compassionate appointment issued by the Tahsildar, Kadaladi, dated 01.09.2020, the same has not been considered by the first respondent.

4. The learned Government Advocate appearing for the first respondent fairly submits that no doubt, as per G.O.Ms.No.18, Labour & Employment Dept., dated 23.01.2020, an unmarried sister can be considered as legal heir. However, the petitioner did not furnish the combined certificate for compassionate appointment, while submitting her application, but, she furnished the said certificate only on 30.11.2021. Anyhow, the first respondent is ready to reconsider the case of the petitioner based on the certificate produced by her.

5. In view of the rival submissions made, the writ petition is allowed by setting aside the impugned order dated 13.10.2021 and the matter is remitted back to the first respondent to consider the case of the petitioner afresh, in the light of G.O.Ms.No.18, Labour & Employment Dept., dated 23.01.2020 and the combined certificate for compassionate appointment issued by the Tahsildar, Kadaladi and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Chief Educational Officer (CEO),
Ramanathapuram, Ramanathapuram District - 623 528.

2. The Headmaster,
S.S.A.M. Government Higher Secondary School,
Thiruppullani - 623 532,
Ramanathapuram District.

3. The Tahsildar, Kadaladi.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-38277[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38319[F] dated 13/12/2021)

W.P(MD)No.21170 of 2021

10.12.2021

SAR(CO)/SB(29.12.2021) 2P 6C

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