



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.01.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

WEB COPY

W.P. (MD)No.1421 of 2016

Miss.G.Selvamani

... Petitioner

Vs.

The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records relating to the order O.Mu.No.41508/J2/2015 dated 04.06.2015 passed by the respondent and quash the same and consequently, direct the respondent to regularly appoint the petitioner as Post Graduate Teacher in any Government School based on the educational qualification of the petitioner, on compassionate grounds within a time limit to be fixed by this Court.

For Petitioner : Mr.T.Sakthikumaran
for Mr.B.Karunanithi
For Respondent : Mrs.S.Srimathy
Special Government Pleader

O R D E R

This writ petition is filed by the petitioner, calling for the records relating to the order O.Mu.No.41508/J2/2015, dated 04.06.2015, passed by the respondent and to quash the same and consequently, direct the respondent to regularly appoint the petitioner as Post Graduate Teacher in any Government School, based on the educational qualification of the petitioner, on compassionate grounds.

2.The case of the petitioner is that her mother viz., Mrs.M.Ponmani, died in the year 1974 and the Tahsildar, Dharapuram, issued a legal heirship certificate, on 18.03.1975 certifying that the petitioner, her father and her brother as the legal heirs. The petitioner's brother viz., Mr.G.D.Nalliah, was a bachelor and worked as Headmaster in the Government High School, Sengamangalam, Peravurani Taluk, Thanjavur District, and died on 24.02.2014 due to illness, leaving behind the petitioner and his father(86 years) as the legal heirs. Thereafter, the petitioner's father made an application on 09.04.2014 to the Tahsildar, Peravurani, to issue a legal heirship certificate in respect of the death of her deceased



brother, so as to claim terminal benefits. However, the said application was rejected by the respondent by his order dated 20.05.2014, stating that the petitioner and her father are belonging to second Class legal heir and hence, they have to get the legal heir certificate from the competent Court. Challenging the said order, the petitioner's father has filed a writ petition in W.P(MD) No.12657 of 2014 before this Court seeking to quash the order dated 20.05.2014 passed by the Tahsildar and further to direct the Tahsildar to issue the legal heirship certificate to the petitioner's father, on the basis of Sections 41, 42 and 43 of the Indian Succession Act, 1925. Pursuant to the order of this Court, the Tashildar, Peravurani, has issued a legal heir certificate. Based on the legal heir certificate, the petitioner has made an application on 18.05.2015 for appointment on compassionate grounds. The said application was rejected by the respondent on 04.06.2015 stating that the petitioner was over aged and hence, she is not eligible for compassionate appointment. Challenging the said rejection order, the petitioner has filed the present writ petition.

3.The learned counsel appearing for the petitioner submitted that as per G.O.Ms.No.18, dated 23.01.2020, the maximum age limit for the son or daughter of the deceased Government Servant and unmarried brother / unmarried sister of the unmarried deceased Government Servant is 40 years at the time of applying. Without considering the scope of the G.O, the respondent had mechanically rejected the petitioner's representation, which is unsustainable one. Hence, he prays for allowing the present writ petition.

4.The learned Special Government Pleader appearing for the respondent did not dispute the legal position as submitted by the learned counsel for the petitioner.

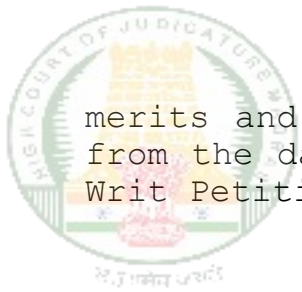
5.For better appreciation, the relevant portion of the G.O.Ms.No.18, dated 23.01.2020, is extracted hereunder:

"AGE LIMIT FOR THOSE ELIGIBLE UNDER COMPASSIONATE GROUND APPOINTMENT

(iii)The maximum age limit for the son or daughter of the deceased Government Servant and unmarried brother / unmarried sister of the unmarried deceased Government Servant is 40 years at the time of applying".

6.In view of the aforesaid G.O, the maximum age limit is 40 years and hence, the order of the respondent is liable to be set aside and the matter is remanded back to the respondent for fresh consideration.

7.Accordingly, the order of the respondent, dated 04.06.2015, passed in O.Mu.No.41508/J2/2015, is set aside and the matter is remanded back to the respondent for fresh consideration and the respondent is directed to consider the same and pass orders on



merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To
The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.

+1 CC to M/s.SPL GP (SR-1885[F] dated 22/01/2021)

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21.01.2021

ES(CO)
KB(01.03.2021) 3P 3C