



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20895 of 2016

and

W.M.P. (MD) .No.14907 of 2016

WEB COPY

Y.A.Shiny

... Petitioner

Vs.

1.The State of Tamil Nadu, rep. by,
The Secretary to Government,
Education Department,
Fort. St. George,
Chennai-09.

2.The Director of School Education,
Chennai.

3.The District Collector,
Kanyakumari District at Nagercoil.

4.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Agastheeswaram Taluk,
Kanyakumari District.

5.The Headmistress,
Government Higher Secondary School,
Nattalam Village,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, to call for the records and quash the impugned order passed by the 4th respondent in his proceedings in No.O.Mu.No.6119/Aa6/2016 dated 09.09.2016 on the ground that the same is arbitrary, illegal and without jurisdiction and consequently directing the respondents to appoint the petitioner under the compassionate ground.

For Petitioner	:	Mr.S.Titus
For Respondents	:	M/S.S.Srimathy Special Government Pleader

ORDER

This writ petition is filed seeking a writ of Certiorarified Mandamus, to quash the order passed by the fourth respondent in
<https://hcservices.ecourts.gov.in/hcservices/>



No.O.Mu.No.6119/Aa6/2016 dated 09.09.2016 and further direction to the respondents to consider the petitioner for compassionate appointment.

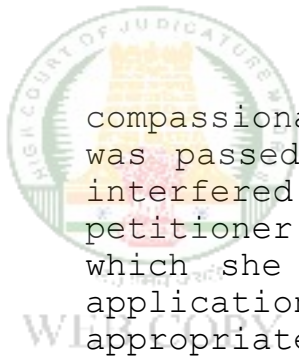
2. The case of the petitioner is that the petitioner's mother was working as a Teacher in Government Higher Secondary School, Nattalam, Kanyakumari District. While she was in service, she was suffering from blood pressure and hemorrhage, hence, immediately she was admitted in the hospital and thereafter, the petitioner's family take continuous effort by spending huge amount as medical expenses and thereafter the petitioner's mother was medically invalidated on 16.07.2014 and subsequently, she died on 23.08.2015. After her demise, the petitioner made application for appointment under compassionate ground and the said application was rejected on 24.06.2016 directing the petitioner to file necessary application along with necessary documents through proper channel. Thereafter, the petitioner made application on 11.07.2016 enclosing the proforma and other relevant documents, however, the said application was rejected by the fourth respondent on the ground that the married daughter is not eligible for compassionate appointment and hence, the petitioner has not satisfied the eligibility criteria. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that though the application was rejected on the ground that the petitioner has not satisfied the eligibility criteria, however, it would suffice, if this Court permits the petitioner to make a fresh application, by fulfilling the required eligibility criteria in consonance with the guidelines framed in G.O.Ms.No.18, Labour and Employment(Q1) Department, dated 23.01.2020, for consideration by the fourth respondent.

4. The learned Special Government Pleader appearing for the respondents has no serious objection to the request made by the learned counsel appearing for the petitioner.

5. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, it is not in dispute that admittedly, the petitioner is a married daughter of the deceased Government Employee and her mother was retired from service on the ground of medical invalidation and subsequently died. As per the Government Orders, married daughter of the deceased employee is not eligible for compassionate appointment. However, the said view was modified and subsequently, G.O.Ms.No.18, Labour and Employment(Q1) Department, dated 23.01.2020 was issued with certain guidelines for compassionate appointment, wherein it includes the married daughter of the deceased Government servant, who is otherwise eligible for compassionate appointment. However, the petitioner's daughter has to satisfy the eligibility criteria for



compassionate appointment. In the present case, the order impugned was passed on the ground of eligibility criteria, which cannot be interfered with. However, this order will not be a bar to the petitioner to make a fresh application by quoting the ground on which she satisfies the eligibility criteria. On receipt of such application, the fourth respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, forthwith.

7. With the above observation and direction, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 State of Tamil Nadu,
Secretary to Government,
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Chennai-09.
- 2.The Director of School Education,
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- 3.The District Collector,
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VB (09.03.2021) 4P 6C