



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.22374 of 2016

P.Palpandian

... Petitioner

Vs.

1.The Director of Medical Education,
Directorate,
Keelpauk,
Chennai-600 010.

2.The Principal,
Government Rajaji Hospital,
Madurai-625 020.

3.The Administrative Officer,
Government Rajaji Hospital,
Madurai-625 020.

4.P.Madathi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned order in Na.Ka.No.2110/Ni/3/2/12 dated 13.10.2016 and quash the same as illegal and consequently, directing the 2nd respondent to provide a job based on the compassionate ground within the time stipulated by this Court.

For Petitioner : Mr.H.Sahul Hameed
For R1 to R3 : Mr.D.Muruganantham
Additional Government Pleader
For R4 : Mr.R.Venkatesan

O R D E R

This writ petition is filed by the petitioner, to call for the records of the second respondent's impugned order in Na.Ka.No.2110/Ni/3/2/12 dated 13.10.2016 and quash the same as illegal and consequently, direct the second respondent to provide a job based on the compassionate ground within the time stipulated by this Court.

2.The case of the petitioner is that his father viz., S.Paramasivam, who was working as a Hospital Staff, died on 01.02.2012, while he was in service. Before the death of the



petitioner's father, his mother also died on 19.08.2007. Leaving behind the petitioner and his sister as the legal heir. Therefore, the petitioner has made a representation seeking appointment on compassionate ground. The second respondent has not considered the same. In such circumstances, the third respondent directed the petitioner to produce all the records along with 'No Objection Certificate' from the fourth respondent, who is the sister of the petitioner. Pursuant to which, the fourth respondent appeared before the Notary Public, on 18.02.2012 stating that there is no objection to confer job to the petitioner. After giving 'No Objection Certificate' and on getting ill advise from her husband, the fourth respondent, who is the co-legal heir of the petitioner's father, voluntarily gave objection. Therefore, the second respondent has passed the impugned order, dated 13.10.2016 rejecting the petitioner's claim on the ground that since the fourth respondent gave a complaint against the petitioner and after withdrawal of the said complaint, he will give appointment on compassionate ground. Challenging the same, the present writ petition is filed.

3.The learned counsel appearing for the fourth respondent submitted that the fourth respondent is ready and willing to give 'No Objection Certificate' in favour of the petitioner.

4.The learned counsel appearing for the petitioner submitted that the fourth respondent is inclined to give 'No Objection Certificate' and hence, this Court may remand back the matter for fresh consideration.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that if the petitioner has produced 'No Objection Certificate' before the second respondent, the petitioner's application will be considered as per the existing scheme.

6.In view of the consent expressed by the learned counsel appearing for the fourth respondent, this Court directs the petitioner to produce the 'No Objection Certificate', if any. On receipt of such Certificate, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law and as per the existing scheme.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Chennai-600 010.

2.The Principal,
Government Rajaji Hospital,
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Government Rajaji Hospital,
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+1 CC to SPL GP (SR-3528[F] dated 05/02/2021)

+1 CC to Mr.M.MOHAMED RAFI, Advocate (SR-3858[F] dated 08/02/2021)

W.P. (MD) No.22374 of 2016

04.02.2021

VB (23.02.2021) 3P 6C