



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.02.2021
CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

W.P.(MD)No.4120 of 2016
and
W.M.P.(MD)No.3687 of 2016

S.Santhanakrishnan

... Petitioner

versus

- 1.The Director,
O/o.The Directorate of Collegiate
Education,
College Road, Chennai - 6.
- 2.The Regional Joint Director of Collegiate
Education,
Trichy Region,
Race Course Road, Trichy - 20.
- 3.The Secretary,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.
- 4.The Principal,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.
- 5.P.Sakthivel
- 6.S.Jeyanthi
- 7.R.V.Rajendran
- 8.E.Madhavan
- 9.K.Vijayakumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, to call for the records relating to the appointment of the respondents 5 to 9 in pursuant to the Notification published by the 3rd respondent for recruitment to the post of Non-Teaching Staff by his Proceedings No.Nil, dated 23.12.2015 published in Daily

<https://hcservices.ecourts.gov.in/hcservices/>



Dhinamani Newspaper and quash the same as illegal and consequently, to direct the 4th respondent to consider the petitioner for appointment to any of the Non-Teaching Staff post under compassionate ground within the period that may be stipulated by this Court.

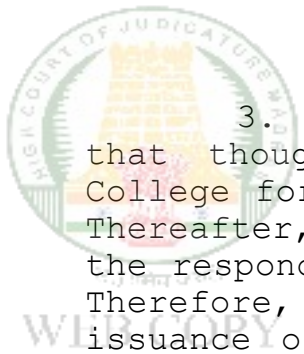
For Petitioner : Mr.Nawazkhan, Advocate
for M/s.Ajmal Associates

For Respondents: Mr.C.M.Marichelliah Prabhu
Additional Govt. Pleader for R1 and R2
Mr.R.Devaraj for R3 and R4
Mr.K.Hemakarathikeyan for R5, R6, R8
and R9

ORDER

The writ petition has been filed seeking for the issuance of writ of certiorarified mandamus, to call for the records relating to the appointment of the respondents 5 to 9 in pursuant to the Notification published by the 3rd respondent for recruitment to the post of Non-Teaching Staff by his Proceedings No.Nil, dated 23.12.2015 published in Daily Dhinamani Newspaper and quash the same as illegal and consequently, to direct the 4th respondent to consider the petitioner for appointment to any of the Non-Teaching Staff posts under compassionate ground within the time to be stipulated by this Court.

2. The case of the petitioner is that the petitioner's father, who was working as Laboratory Assistant in the Physics Department of the 3rd respondent College, died in harness on 09.11.2003. Immediately thereafter, the petitioner's mother applied for compassionate appointment in favour of the petitioner and the Management of the respondent College assured the petitioner's mother that they would provide employment to the petitioner on compassionate grounds immediately after completing the 10th Standard examination. The petitioner completed the 10th standard during 2004. Thereafter, the petitioner approached the Management and requested for compassionate appointment, for which, the Management also assured that they would consider his case. However, there was no response. Hence, the petitioner's mother sent a petition to the Chief Minister's Cell on 30.09.2006, for which, the first respondent, by his proceedings dated 20.11.2006, informed that the request for compassionate appointment should be considered immediately after getting permission from the Government to fill up the Non-Teaching Staff in the Government Aided College. While so, the Government granted permission to the 3rd respondent College to fill up six Non-Teaching staff vacancies during 2015. However, the 4th respondent filled up all the posts by appointing respondents 5 to 9 in pursuant to the Notification published in Daily Dhinamani Newspaper. Again, the Management had given an advertisement on 23.01.2016 for filling up of three more Non-Teaching staff. Therefore, the present writ petition has been filed.



3. The learned counsel appearing for the petitioner submits that though the petitioner repeatedly requested the respondent College for compassionate appointment, the same was not considered. Thereafter, the petitioner was appointed as a Management staff in the respondent College, however, his services were not regularized. Therefore, without regularizing the services of the petitioner, the issuance of Notification for appointment of Non-Teaching staff is unsustainable in law. Therefore, he prayed for allowing the writ petition.

4. The learned counsel appearing for the respondent College submits that no scheme was available for providing compassionate appointment, however, by considering the financial condition of the petitioner's family, the respondent College appointed the petitioner as Management staff in the year 2005, but, he worked for one year and he resigned his job thereafter. Therefore, his services were not regularized. Moreover, the petitioner had not at all participated in the selection process and all the posts were filled up after following the Recruitment Rules.

5. The learned counsel for the private respondents has adopted the arguments advanced by the learned counsel for the respondent College.

6. Admittedly, the petitioner's father died in the year 2003. Though no scheme was available for providing appointment on compassionate grounds, the petitioner was appointed as Management Staff in the respondent College. But, he worked in the said College for one year and he resigned his job. Thereafter only, the respondent College has proceeded with the Notification. Further, in the normal course, the application for providing appointment on compassionate grounds has to be made within three years. But, it is seen that there was no detail as to when the petitioner has submitted the application for compassionate appointment. Therefore, it is not known as to whether the application was made within three years or not. Though the respondent College appointed the petitioner as Management Staff, he has not continued his service in the said College. Therefore, the respondent College has not considered his request and proceeded with the Notification. Hence, the prayer sought for in the writ petition is not sustainable in law. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Director,
O/o.The Directorate of Collegiate
Education,
College Road, Chennai - 6.

2.The Regional Joint Director of Collegiate
Education,
Trichy Region,
Race Course Road, Trichy - 20.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-4357[F] dated 10/02/2021)

+1 CC to M/s.SPL GP (SR-4682[F] dated 12/02/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4552[F] dated
11/02/2021)

W.P. (MD)No.4120 of 2016
10.02.2021

OGY

TK/SAR/27.02.2021/4P/6C