



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2021

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

W.P. (MD)No.21292 of 2017

R.Boopathy Raja

: Petitioner

Vs.

1.The Government of Tamilnadu,
represented by its Joint Director (Workers),
Department of School Education,
Fort St.George, Chennai - 600 006.

2.The District Educational Officer,
Usilampatti, Madurai District.

3.The District Elementary Educational Officer,
Madurai District, Madurai.

4.The Assistant Elementary Educational Officer,
Kallikudi Union, Madurai District.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records relating to the order of the second respondent in Na.Ka.No.1561/A1/2017, dated 13.06.2017 and quash the same and further to direct the respondents to give the suitable post on compassionate appointment to the petitioner.

For Petitioner :Mrs.Vijayakumari Natarajan

For Respondents :Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

It is the case of the petitioner that his father A.Rajagopal, was working as Head Master and he died in harness, on 13.01.2003, while he was in service, leaving behind the petitioner and his mother and his three sisters. At the time of death of the petitioner's father, the petitioner was 16 years old and the petitioner, after attaining majority, immediately sent a representation, dated 10.01.2006 to the fourth respondent and the same was forwarded to the education authorities. However, the



authorities have rejected the representation of the petitioner on the ground that the petitioner has made application beyond the period of three years. Challenging the same, the present Writ Petition is filed.

2.The learned Counsel for the petitioner would submit that the petitioner is a minor, at the time of death of his father and aged about 16 years. He would further submit that immediately after attaining the age of majority, the petitioner made application on 10.01.2006, to the fourth respondent. The said application was forwarded by the fourth respondent to the educational authorities on 14.08.2006.

3.The learned Counsel would further submit that the official proceedings would clearly indicate that the application was made on 10.01.2006. Though the said application is defective one, it is the contention of the learned Counsel for the petitioner that the authorities very well can call for particulars from the petitioner. Likewise, the respondent officials called for particulars from the petitioner and that the petitioner has also submitted all the required documents and the same was endorsed by the officials on 14.08.2006 and the endorsement date was taken for consideration for calculating the delay, which is unsustainable one and accordingly, he prays for allowing this Writ Petition.

4.The learned Additional Government Pleader appearing for the respondents would submit that though the petitioner has made application on 12.01.2006, the said application is a defective one and hence, the authorities have returned the said application. He would further submit that thereafter, the petitioner made another application complying with the defects on 14.08.2006, after the lapse of prescribed period of three years. The learned Additional Government Advocate would also submit that the very purpose of giving compassionate ground appointment scheme is only to help the family of the deceased Government servant to tide over the sudden indigent circumstances unexpectedly created by the sudden and untimely death of the Government servant and hence, the appointment after a lapse of very long time, defeats the very purpose of the compassionate ground appointment scheme.

5.The learned Additional Government Pleader would further submit that the application submitted by the petitioner's mother requesting to provide an appointment on compassionate ground to the petitioner in future is not acceptable, as per the existing Government Rules and there is also no provision for the same under the Rules. The mother of the petitioner purposefully waited for her son's higher education, so as to enable her to seek higher grade of appointment to he son. Hence, he would submit that the concept of the said scheme cannot be defeated and the petitioner's request is against the purpose of the scheme and he prays for dismissal of this



6.Heard Mrs.Vijayakumari Natarajan, learned Counsel for the petitioner and Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader for the respondents.

7.Considering the facts and circumstances of the case, the issue involved in this case is whether the petitioner made application within a prescribed period of three years or not. On perusal of the materials available on record, it is seen that the petitioner made application on 10.01.2006, which was subsequently, forwarded to the educational authorities. Thereafter, the petitioner was called for to submit some particulars for rectifying the defects in his application, in which, the petitioner has submitted all the particulars to the educational authorities and the same was also endorsed by the educational authorities on 14.08.2006. Taking the endorsement made on 14.06.2006, the limitation was calculated by the educational authorities. Hence, this Court is of the view that the petitioner made application for compassionate appointment within the prescribed period and the order impugned is liable to be interfered with by this Court.

8.Accordingly, this Writ Petition is disposed of and the matter is remitted back to the respondents for fresh consideration and pass appropriate orders on merits and in accordance with law and as per the existing scheme within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Crl.Side)

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/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Joint Director (Workers),
The Government of Tamilnadu,
Department of School Education,
Fort St.George, Chennai - 600 006.

2.The District Educational Officer,
Usilampatti, Madurai District.



3.The District Elementary Educational Officer,
Madurai District, Madurai.

4.The Assistant Elementary Educational Officer,
Kallikudi Union, Madurai District.

+1 CC to SGP (SR-1660[F] dated 21/01/2021)

+1 CC to M/s.S.NATARAJAN, Advocate (SR-1802[F] dated 22/01/2021)

W.P. (MD) No.21292 of 2017

20.01.2021

NA (CO)

NR (03/02/2021) 4P : 7C