



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6789 of 2022

G.Vasanthi

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Commissioner,
School Education Department,
DPI Campus, Nungambakkam,
Chennai.
- 3.The Director, School Education Department,
DPI Campus, Nungambakkam,
Chennai.
- 4.The Joint Director,
School Education Department,
DPI Campus, Nungambakkam,
Chennai.
- 5.The District Education Officer,
School Education Department,
Elementary Education,
Gingee.
- 6.The Chief Education Officer,
School Education Department,
Elementary Education,
Villupuram.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.39076/J/E1/2021 dated 23.08.2021 passed by the 4th respondent herein to quash the same as illegal, ultravires, unconstitutional and to



consequently direct the 2nd respondent to replace the petitioner's name in the seniority list of compassionate appointment to that of petitioner's son's name A.Sridhar, legal heir to and son of late Shri. Arivudai Nambi for appointment on compassionate grounds with the same seniority, within a time frame as stipulated by this Court.

For Petitioner : Mr.M.Kempuraj

For Respondents: Mr.V.Manoharan
Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner's husband late Arivudai Nambi was working as Head Master at the Panchayat Union Elementary School, Vinayagapuram Village, Melmalaiyanur, Villupuram District and while he was in service died on 16.10.2014 in a road accident, leaving behind the petitioner, son and daughter as his legal heirs. The petitioner gave representation on 14.12.2015 to the respondents seeking employment to her and it was placed under the seniority list. Subsequently, since the petitioner is not in a position to do any work, due to ailments, she gave several representations before the respondents to give employment to her son namely A.Sridhar, instead of her, on the basis of her earlier application and the last such representation is dated 22.07.2021. But the 4th respondent passed order rejecting the request of the petitioner. Hence this writ petition.

3. The learned counsel appearing for the petitioner submitted that immediately after death of the petitioner's husband, she gave representation seeking employment and it was placed under consideration in the seniority list. Therefore, the present representation should not be considered as a fresh one and hence, the impugned order may be quashed and the respondent may be directed to give employment to the petitioner's son in the place of petitioner.

4. The learned Additional Government Pleader appearing for the respondent submitted that, as per G.O.Ms.No.18 dated 23.01.2020, when a person who gave application is alive, alternative application seeking employment to other legal heir of the deceased, cannot be entertained. Therefore, the claim of the petitioner cannot be entertained.



5. It is pertinent to note in the Government Order in G.O.Ms. No.18 dated 23.01.2020, with regard to the alternative application, it has been held thus.

Alternative Application: If the applicant (legal heir of deceased Government Servant) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased Government Servant, subject to conditions prescribed for compassionate ground appointment.

6. Therefore, in the light of the above Government Order, there is no merits in the writ petition and the 4th respondent has rightly rejected the subsequent application filed by the petitioner and the same does not warrant any interference by this court.

7. Accordingly, this writ petition is dismissed at the admission stage itself. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mst

To

1. The Principal Secretary,
School Education Department,
Secretariat, Chennai - 9.

2. The Commissioner,
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DPI Campus, Nungambakkam,
Chennai.

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School Education Department,
Elementary Education,
Gingee.

6.The Chief Education Officer,
School Education Department,
Elementary Education,
Villupuram.

+1cc to M/s.M.Kempraj, Advocate Sr.20207
+1cc to the Government Pleader Sr.20382

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