



W.P.No.33804 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.33804 of 2012 and M.P.No.1 of 2012

S.Muruganandham

.... Petitioner

VS

- 1.The Government of Tamil Nadu
rep by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009
2. The Director of School Education,
Chennai-600 006.
3. The District Elementary Educational Officer,
Tiruvannamalai-1.
4. The District Educational Officer,
Thiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records of the 3rd respondent relating to the order in Pro.Pa.Mu.No.1522/A1/2008 dated 24.08.2010, to quash the same and to issue consequential direction to the respondents provide appointment on compassionate ground to the petitioner commensurate with his



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qualification and eligibility.

For Petitioner : Mr.S.Senthil
For Respondents : Mrs.Mythreychandren
Spl.Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent rejecting the claim of compassionate appointment and consequently, direct the respondents to provide appointment on compassionate ground to the petitioner in commensurate with his qualification and eligibility.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. It is the case of the petitioner that his father was working as Headmaster in the Panchayat Union Elementary School, Nandimangalam, Pudupalayam Union of Tiruvannamalai District and he died in harness on 19.10.1994 leaving behind his wife and four children. At the time of his father's death, the petitioner's elder brother was 16 years of age and his mother was not in a position to seek an employment and she was constrained to wait till her son attains the age of majority. Unfortunately, his elder brother,



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Chandran after attaining majority, due to love affair, left the family and was living separately. As there was no eligible person, his mother made application seeking compassionate appointment for the petitioner, after attaining the age of majority. The 3rd respondent failed to consider that the eldest son was living separately and not providing any assistance to the deceased family which has also been proved by the certificate dated 22.11.2000 of the Tahsildar, Chengam. The 3rd respondent is not adopting a pragmatic approach to this issue and rejected the claim of the petitioner which is arbitrary and also defeats the very object of the scheme of compassionate appointment. Hence, the petitioner has come up with this writ petition for the relief stated supra.

4. Admittedly, the first son of the deceased was aged 16 years at the time of his father's death. It is not in dispute that the application for compassionate appointment was not made within three years from the date of death of the deceased. In the present case, the wife of the deceased and the eldest son i.e., the elder brother of the petitioner, were eligible to get employment. If the family is in indigenous circumstances, it is natural that one of them would have applied for employment but they did not do so. The application for employment on compassionate ground was made after 12 years of the demise of Government servant which lead to surmise that the family is not in indigenous circumstances and the reason for the delay was also not



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mentioned in chronological order. Therefore, this Court finds no grounds to interfere with the impugned order passed by the 3rd respondent. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

Index:Yes/No

Speaking/Non-speaking order

vsi

To

- 1.The Government of Tamil Nadu
rep by Secretary to Government,
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2. The Director of School Education,
Chennai-600 006.
3. The District Elementary Educational Officer,
Tiruvannamalai-1.
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