



WEB COPY



W.P.No.34171 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34171 of 2022

M.Nanda Kumar

... Petitioner

Vs.

1.The District Educational Officer,
Thirupathur,
Thirupathur District.

2.The Head Master,
Government Higher Secondary School,
Gingee Via Latheri,
Thirupathur District.

3.The District Educational Officer,
Vellore, Vellore District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 30.11.2022 made in Na.Ka.No.3163/A1/2022 on the file of the District Educational Officer, Vellore, Vellore District, the 3rd respondent herein and quash the same and consequently direct the 3rd respondent to process the application of the



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petitioner dated 04.05.2009 in accordance with G.O.Ms.18, Labour and Employment dated 23.01.2020 for compassionate ground appointment within a time frame to be fixed by this Court.

For Petitioner : Mr.A.V.Arun
Senior Counsel
for Mr.M.A.Aruneshe

For Respondents : Ms.M.Jayanthi
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the rejection of the petitioner's claim for compassionate appointment.

2. By order dated 30.11.2022, the petitioner's claim for compassionate appointment has been rejected which is challenged in this Writ Petition. The petitioner is the son of the deceased employee who had died while in service. The petitioner had sought for compassionate appointment which has been rejected on the ground that the petitioner has not produced the documents in support of his claim.

3. Learned counsel for the petitioner would submit that all relevant documents have been produced to the respondents. But, by total non



application of mind to the same, the respondents have rejected the petitioner's request for compassionate appointment.

4. Learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the petitioner has not submitted the original documents, but has produced only the xerox copies of the same. According to her, necessarily the original documents will have to be produced for the respondents' verification.

5. Learned counsel for the petitioner on instructions would submit that the petitioner is agreeable to produce the original documents to the respondents for their scrutiny.

6. Since the petitioner has already produced the xerox copies of the documents and is also willing to produce the originals of the same to the respondents, the impugned order has to be necessarily quashed and the request made by the petitioner for compassionate appointment will have to be considered afresh by the respondents. No prejudice would be caused to the respondents if such a direction is issued by this Court.



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7. For the foregoing reasons, the impugned order dated 30.11.2022 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law. It is made clear that the petitioner will have to submit all the relevant original documents for the respondents' scrutiny to enable them to consider the petitioner's request for compassionate appointment. The third respondent shall pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
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To

1.The District Educational Officer,
Thirupathur,
Thirupathur District.

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ABDUL QUDDHOSE. J.,

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