



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A(MD)No.79 of 2011

against

WP(MD).NO. 32 of 2009

A.Sasikumar

: Appellant/Petitioner

.vs.

1.The Chief Engineer (Personnel),
TNEB,
Anna Salai,
Chennai - -600 002.

2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Madurai - 7.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 13.09.2010 passed in W.P(MD)No.32 of 2009.

Prayer in WP(MD). 32/ 2009 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings letter No. 037881/390/G8/G82/2003-2 dated 22/05/2003 and the consequential impugned order passed by the 2nd respondent in his proceedings letter No. 2NiA Ni.Pi.2/Vudavi.3/Ko.Va.Ve/Pa.No.424 dated 04/09/2006 and quash the same as illegal and consequently direct the respondents direct the respondents to provide employment to the petitioner on compassionate ground in any suitable post.

For Appellant

:Mr.Md.Suhail for

M/s.Ajmal Associates

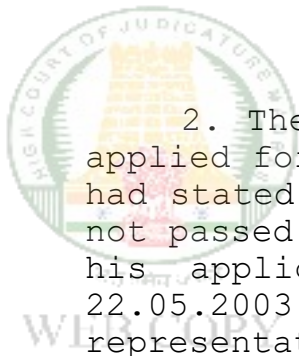
For Respondents

:Mr.S.Arivalagan

JUDGMENT

[Judgment of the Court was delibered by **R.SUBRAMANIAN, J.**]

Challenge in this writ appeal is to the order of the learned single Judge dated 13.09.2010 passed in W.P(MD)No.32 of 2009, dismissing the writ petition filed by the appellant / writ petitioner challenging the rejection of his request for compassionate appointment.



2. The appellant's father died in harness on 02.02.1999 and he applied for employment on 09.09.2002. Though in his application, he had stated that he had passed 8th standard, it was found that he had not passed 8th standard on the date of his application and therefore, his application dated 09.09.2002 was rejected by order dated 22.05.2003. After about three years, the appellant made a representation on 04.08.2006 and the same was rejected on 04.09.2006. The writ petition came to be filed in the year 2009 challenging both the orders dated 22.05.2003 and 04.09.2006.

3. The learned single Judge had dismissed the writ petition mainly on the ground that the writ petitioner did not have the prescribed educational qualification on the date of his application for compassionate appointment and he has made a declaration that he has completed 8th standard. However, it was found that he has produced false educational certificate.

4. The learned single Judge had referred to almost all the judgments that were available on the question of compassionate appointment and had found that the writ petitioner is not entitled for compassionate appointment. The writ petition was thus dismissed.

5. Mr.Mohammed Suhail, learned counsel for the appellant would vehemently contend that the learned Judge should have taken note of the fact that the writ petitioner had completed 8th standard in the year 2001 before the date of rejection of his application.

6. The learned single Judge had found that the writ petitioner had produced false educational certificate and also recorded a finding that the petitioner has made a false declaration at the time of his application.

7. We do not see any reason to interfere in the order of the learned single Judge and hence, the writ appeal fails and is accordingly dismissed. No Costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm



To

1.The Chief Engineer (Personnel),
TNEB,
Anna Salai,
Chennai - -600 002.

2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Madurai - 7.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5777[F] dated
11/02/2022)

+1 CC to M/s.S.ARIVALAGAN, Advocate (SR-5793[F] dated 11/02/2022)

W.A(MD)No.79 of 2011
09.02.2022

MA(CO)
KB(25.02.2022) 3P 5C