



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

WEB COPY

W.A.(MD) No. 79 of 2022
and C.M.P.(MD) No. 900 of 2022

- 1.The Government of Tamil Nadu
Rep. 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.

Now as
The District Educational Officer,
Tirumangalam,
Madurai District.

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

Now as
The Block Educational Officer,
Kallikudi Union, Madurai District.

.. Appellants

Vs

R.Boopathy Raja

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 20.01.2021 made in W.P.(MD) No. 21292 of 2017.

Prayer in WP(MD). 21292 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the order of the 2nd respondent in Na.Ka.No. 1561/A1/2017 dated 13.06.2017 and quash the same and further direct the respondents to give the suitable post on compensation to the respondent.

<https://hccs.ceris.gov.in/serve.asp>



For Appellants

: Mr.S.P.Maharajan
Special Government Pleader

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JUDGEMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 20 January 2021 recorded on W.P(MD) No. 21292 of 2017. This appeal is by respondent.

2. Learned Government Advocate for the appellant authorities has submitted that, the claim of the writ petitioner regarding compassionate appointment was not justified since the Management had, right from the beginning contended that the application was not made within stipulated time. It is submitted that, though the counter was filed to contest the writ petition, without properly appreciating the contentions put forward by the appellant, writ petition is allowed and therefore this appeal be entertained. It is noted that, learned advocate for the appellants has taken this Court extensively through material on record to contend that the impugned order needs to be interfered with.

3. Having heard learned advocate for the appellants and having considered the material on record, this Court finds that the father of the writ petitioner was working as Head Master. He died in harness on 13 January 2003. It is not only the case of the writ petitioner but the respondent employer as well that, the application for compassionate appointment was required to be made within three years. The counter affidavit states in terms that, the application for compassionate appointment was made on 12 January 2006. [vide para : 4 of the counter]. Thus, going by the counter of the Management itself, which was asserted on oath before learned Single judge, the application was received by the Management on 12 January 2006. The paper book also includes, the extract of the inward register, which also confirms this. Based on this material, the Writ Court held that, the application of the petitioner for compassionate appointment could not have been rejected on the ground that it was made beyond three years. We do not find any error much less any error apparent on the face of record, which may call for any interference. This appeal therefore needs to be dismissed.

4. We note that, though various submissions are attempted to be made by learned advocate for the appellant before us, in substance the contest of the employer in this appeal needs to be tested on the parameter, as to what was the case of the Management before the writ court. We find that, not only there was no dispute with regard to the assertion of the writ petitioner that the application for compassionate appointment was made within time, the counter affidavit affirms the stand of the writ petitioner on this



material aspect, whether the application for appointment on compassionate ground was within the time limit prescribed or not. In view of this, no interference is required.

5. For the above reasons, this appeal is dismissed. No costs. Consequently, connected C.M.P. would not survive.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj/8

To

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Kallikudi Union, Madurai District.

+1 CC to M/s.SPL GP (SR-5382[F] dated 10/02/2022)

W.A.(MD) No.79 of 2022
09.02.2022

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