



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5764 of 2021

Ma.Sivashanmugham

... Petitioner

vs.

1.The Director

Tamil Nadu School Education Department
Directorate of School Education Department
DPI Complex, College Road, Chennai

2.The Chief Educational Officer
Thanjavur

3.District Educational Officer
Pattukottai, Thanjavur

4.Block Educational Officer-2
Pattukottai, Thanjavur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to order passed by the 3rd respondent in Na.Ka.No.3997/A1/2020, dated 09.02.2021 and quash the same and further direct the respondents 2 and 3 to appoint the petitioner on compassionate grounds.

For Petitioner : Mr.Selvendran.A.

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The order dated 09.02.2021, passed by the third respondent, rejecting the claim of the petitioner for compassionate appointment, is under challenge in this writ petition.

2. The father of the petitioner was working as Headmaster in the Government Middle School and died on 17.10.1994, while he was in service. The brother of the petitioner initially submitted an application within a period of three years and subsequently, not



pursued the matter, except by sending some reminders to the Authorities concerned. However, the fact remains that the petitioner submitted an application for compassionate appointment during 2020, after a lapse of 26 years from the date of death of the deceased employee. When the application itself has been filed by the petitioner after a lapse of 26 years from the date of the death of his father, the said application has been rightly rejected by the respondents.

3. With reference to the application submitted by the brother of the petitioner, the learned Additional Government Pleader appearing for the respondents made a submission that the Department has sent letters for verification of certificates. However, the letters were not responded by the brother of the petitioner. The impugned order itself states that the District Educational Officer, vide his letter dated 04.06.2007, sought for additional particulars from the brother of the petitioner and there was no reply from the brother of the petitioner.

4. As far as the petitioner is concerned, the second application seeking compassionate appointment cannot be entertained as per the scheme of compassionate appointment. Further, the application itself has been submitted after a lapse of 26 years from the date of death of the deceased employee. Thus, there is no infirmity as such in the impugned order passed by the third respondent.

5. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar

To:

1.The Director,
Tamil Nadu School Education Department,
Directorate of School Education Department,
DPI Complex, College Road,
Chennai.

2.The Chief Educational Officer,
Thanjavur.



3.The District Educational Officer,
Pattukottai, Thanjavur.

4.The Block Educational Officer-2,
Pattukottai, Thanjavur.

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+1 CC to M/s.SPL GP (SR-9427[F] dated 02/03/2022)

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