



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A(MD)No. 262 of 2022

A.Elangovan

.. Appellant

Vs

1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2.The Tahsildar,
Thuraiyur Taluk,
Thuraiyur,
Tiruchirapalli District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.02.2022 made in W.P.(MD) No. 800 of 2021.

Prayer in WP(MD) . 800/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, or any other order or directions in the nature of a writ directing the first respondent i.e., the District Collector, Tiruchirapalli to appoint the petitioner on compassionate grounds according to his educational qualifications within a specified time frame that may be fixed by this Honourable Court

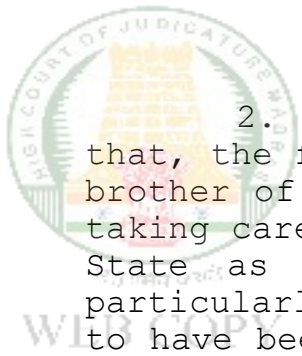
For Appellant : Mr.S.Visvalingam

For Respondent : Mr.K.Balasubramani
Special Government Pleader

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 25 February 2022 recorded on W.P.(MD) No. 800 of 2021. This appeal is by the writ petitioner.



2. Learned advocate for the appellant has submitted that, the father of the petitioner had died in the year 2001 and the brother of the petitioner - though a Secondary Grade Teacher is not taking care of the family and therefore in view of the policy of the State as contained in G.O.No. 18 dated 23 January 2020, more particularly clause (iv) thereof the case of the petitioner ought to have been considered. It is submitted that dismissal of the writ petition is erroneous and therefore this appeal be entertained.

3. Learned Special Government Pleader has supported the order of learned Single Judge by contending that, the claim for compassionate appointment after two decades could not have been entertained and learned Single Judge has rightly dismissed the petition. It is submitted that this appeal be dismissed.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds as under:-

4.1 It is not in dispute that the father of the petitioner had died on 25 July 2001. At that time, the age of the petitioner was about 21 years. He had made an application on 19 September 2001. The same was not considered favourably. In the year 2021, the petitioner filed petition before this Court claiming compassionate appointment which is dismissed by learned Single Judge.

4.2 We find that, in the facts as noted above, discretion under Article 226 of the Constitution of India could not have been exercised in favour of the petitioner and the same is rightly not exercised by learned Single Judge. We do not find any error to be corrected in this intra-court appeal. This appeal therefore needs to be dismissed.

4.3 So far reference to the policy of the State as contained in G.O.No. 18 dated 23 January 2020, more particularly clause (iv) thereof is concerned, in our view, the legal heirs of a person who had died before two decades could not have claimed any benefit therefrom. Even otherwise, such policies are more to uphold the object sought to be achieved and could not substitute as employment generation opportunities for any specific group. Further, the brother of the petitioner is already working as a school teacher - which is an additional tilting factor, against the appellant. Further, the father of the petitioner was in pensionable service and the mother of the petitioner is getting family pension. In totality we find that, no interference is required in the dismissal of the writ petition.



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5.
No costs.

For the above reasons, this writ appeal is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssm/11

To

1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2.The Tahsildar,
Thuraiyur Taluk,
Thuraiyur,
Tiruchirapalli District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-13749[F] dated 23/03/2022)

+1 CC to M/s.SPL GP (SR-13886[F] dated 23/03/2022)

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RD(30.03.2022) 3P 5C