WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**
**DATED: 03.03.2022**
**CORAM:**
**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**
**W.P.(MD) No.8484 of 2021**
**and**
**W.M.P.(MD) No.6385 of 2021**

A.J.Ruth ... Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary
School Education (C2) Department
Fort St.George, Chennai

2.The Director of School Education
College Road, Chennai

3.The Chief Educational Officer
O/o.Chief Educational Office
Madurai

4.The District Educational Officer
Melur, Madurai District

5.The Bishop cum Manager of CSI Schools
CSI Madurai Ramnad Diocese
Madurai

6.The Correspondent
American College Higher Secondary School
Tallakulam, Chennai-625 002 ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned letter issued by the 5th respondent, dated 23.01.2021 and quash the same as illegal and consequently direct the 5th respondent to appoint the petitioner on compassionate ground to the post of Teacher or any other suitable post in the Diocesan School managed by the 5th respondent on account of the death of her husband namely Mr.Alfred Benjamin Premkumar who was employed as Physical Education Teacher in the 6th respondent's School and for other reliefs.

For Petitioner : Mr.Lawrance.J.
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R4
Mr.M.Athiff for R5 & R6

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

**O R D E R**

The order of rejection, dated 23.01.2021, passed by the Management of the Minority School i.e.Church of South Diocese of Madurai – Ramnad, rejecting the claim of the petitioner for compassionate appointment, is under challenge in this writ petition.

**2.** The husband of the petitioner Mr.Alfred Benjamin Premkumar was working as Physical Education Teacher in the sixth respondent – Minority School and died on 27.04.2009, while he was in service.

**3.** The petitioner submitted an application seeking appointment on compassionate grounds in the year 2009 itself. However, the same was not considered by the Management of the School. She filed W.P.(MD) No.6032 of 2019 and this Court passed an order dated 14.03.2019, directing the Management of the School to consider the representation submitted by the petitioner. Pursuant to the directions issued by this Court, the Management considered the application and passed the impugned order stating that the compassionate appointment being a concession cannot be considered as a matter of right. Further, the indigent circumstance arose on account of the sudden death of the employee was not existing at the time of consideration of the application as 11 years lapsed. Thus, the Management of the School rejected the application submitted by the petitioner.

**4.** First of all, the decision is taken by the Management of the Minority Institution and therefore, this Court cannot interfere with the said decision at this juncture.

**5.** The Minority Institutions are conferred with the power to make appointments under the provisions of the Act and if at all any grievance exists regarding such concessional scheme of compassionate appointment, the petitioner has to approach the Authority competent of the Education Department for consideration. Contrarily, this Court need not entertain the writ petition in respect of the orders passed by the Minority Managements, more specifically in the matter of compassionate appointments. No doubt, the School is getting grant-in-aid and the provisions of the Act would be applicable to them and as per the provisions of the Act, statutory appeal remedy is available to the petitioner and therefore, it is for the petitioner to approach the competent Appellate Authority for redressal of her grievance.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

**6.** With the above liberty, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

1.The Secretary,
School Education (C2) Department,
State of Tamil Nadu,
Fort St.George, Chennai.

2.The Director of School Education,
College Road, Chennai.

3.The Chief Educational Officer,
O/o.Chief Educational Office,
Madurai.

4.The District Educational Officer,
Melur, Madurai District.

+1 CC to M/s.J.LAWRANCE, Advocate ( SR-9928[F] dated 04/03/2022 )

+1 CC to M/s.G.V.VAIRAM SANTHOSH (AJMAL ASSOCIATES), Advocate ( SR-10396[F] dated 07/03/2022 )

+1 CC to M/s.SPL GP ( SR-10172[F] dated 04/03/2022 )

**W.P.(MD) No.8484 of 2021**
**and**
**W.M.P.(MD) No.6385 of 2021**
**03.03.2022**

KMV(CO)
GC(15.03.2022) 3P 8C

https://hcservices.ecourts.gov.in/hcservices/