



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12854 of 2021

R.Radhalakshmi

... Petitioner

vs.

- 1.The State, rep.by
The Principal Secretary
School Education Department
Secretariat, St.George Fort
Chennai-600 009
- 2.The Director
School Education Department
DTI Complex, Chennai-600 006
- 3.The Chief Educational Officer
Sivagangai
- 4.The District Educational Officer
Thirupathur, Sivagangai District
- 5.The Head Master
Ramasamy Chetti Memorial School
Natarajapuram
Sivagangai District-630 555

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to provide suitable employment to the petitioner on compassionate ground within a stipulated time period on the basis of the representation dated 21.11.2020.

For Petitioner : Mr.Senthil Murugan.C.
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to provide suitable employment to the petitioner on compassionate grounds based on her representation dated 21.11.2020.

2. The learned counsel for the petitioner states that the husband of the petitioner was working as B.T.Assistant in the fifth respondent - School, which is a Government Aided Private School and died on 16.12.2019, while he was in service. The learned counsel for the petitioner further states that in view of the fact that the petitioner's husband was working in the approved post and he was drawing Government salary, the scheme of compassionate appointment



is applicable to the fifth respondent - School.

3. The learned Additional Government Pleader appearing for the respondents submitted that the fourth respondent has also sent a letter to the fifth respondent to consider the case of the petitioner. In this regard, Paragraph No.4 of the counter affidavit of the fourth respondent is extracted hereunder:

"4.It is submitted that the deceased employee was working in a private Government Aided School and the application on compassionate appointment can only be made to the Secretary of the concerned School, who is the competent authority. As per G.O.Ms.No.2318, Education, Science and Technology, dated 17.02.1983 and G.O.Ms.no.986, School Education Department, dated 22.10.1991, the legal heir is entitled to seek for compassionate appointment in Aided School and that since the School Secretary is only empowered to make such appointments, the petitioner would be entitled to seek for such appointment from the concerned School as and when the vacancy arises. This respondent cannot issued any orders as he is only the approving authority in respect of aided schools. The Government Authorities cannot entertain any application seeking Compassionate Appointment in respect of the employees, who were working in private aided school. It is pertinent to submit that the Secretary of the school has given a reply to the petitioner that there is no vacancy at the present and as and when the vacancy arise, her application will be considered."

4. In view of the fact that the application submitted by the petitioner for compassionate appointment is pending, the fifth respondent is directed to consider the application and take a decision on merits and in accordance with law and subject to the availability of the vacancy in the School, as expeditiously as possible.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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To:

1.The Principal Secretary,
School Education Department,
Secretariat, St.George Fort,
Chennai-600 009.

2.The Director,
School Education Department,
DTI Complex, Chennai-600 006.

3.The Chief Educational Officer,
Sivagangai.

4.The District Educational Officer,
Thirupathur, Sivagangai District.

+1 CC to M/s.SPL GP (SR-10571[F] dated 08/03/2022)

W.P.(MD) No.12854 of 2021
07.03.2022

NA(CO)

KB(18.03.2022) 3P 6C