



W.P(MD)No.6045 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.6045 of 2017

S.P.Chakkaravarthi Pandian

: Petitioner

Vs

1. The State of Tamil Nadu,
Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009

2. The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006

3. The District Educational Officer,
Pattukottai,
Thanjavur District.

4. The Headmaster,
Government High School,
Pallathoor,
Pattukottai,
Thanjavur District

: Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceedings in O.Mu.No.8810/A1/2012, dated 12.04.2013 and quash the same and consequently direct the respondents to give suitable appointment to the petitioner.

For Petitioner : No Appearance

For Respondents : Mr.V.Omprakash

Government Advocate (Civil Side)

ORDER

This writ petition had been filed for writ of Certiorarified Mandamus to quash the proceedings in O.Mu.No.8810/A1/2012, dated 12.04.2013 and consequently, to direct the respondents to give suitable appointment to the petitioner.

2. The brief facts of the case are that the petitioner's father, namely Sagayapandian had worked as Second Grade Teacher at Government High School, Pallathoor, Pattukottai, Thanjavur District. While in service, the



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petitioner's father met with an accident and died on 09.02.1998. The petitioner's mother was alive and she submitted an application, seeking compassionate appointment to the petitioner's brother. The said application was forwarded through the fourth respondent. While the application was under consideration, the petitioner's brother also died on 15.05.2001. Thereafter, the petitioner had submitted an application, seeking to consider his candidature and the fourth respondent received the application on 03.06.2008. The respondents vide the impugned order rejected the petitioner's application by stating that the petitioner's brother was considered and while consideration, the petitioner's brother died and hence another application from the same family cannot be considered.

3. After considering the rival contentions, this Court is of the opinion that there is no legal provision to consider the petitioner's application after the demise of the first legal heir. During pendency of this writ petition, the Government has issued G.O.Ms.No.18 Labour and Employment (Q1) Department, dated 23.01.2020, wherein, it is stated that an alternative application shall be accepted however, the same shall be considered based on other conditions prescribed in G.Os. The second application was submitted



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beyond the period of three years. Moreover, at the time of filing this petition, the petitioner's age was 42 and as on date, the petitioner would be 47 years.

The petitioner is over aged, since the G.O. has fixed the age as 40 years. Since the petitioner is over aged, his application cannot be considered at this point of time.

4. Therefore, the impugned order, dated 12.04.2013 is legally sustainable. Hence this writ petition stands dismissed. No costs.

26.10.2022

Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

lr

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