



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.23017 of 2021

and

WMP(MD)Nos.19500 & 19501 of 2021

M.Kumaran

... Petitioner

-Vs-

- 1.The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The Joint Director of School Education (Personal),
O/o.the Joint Director of School Education (Personal),
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
O/o.the Chief Educational Office,
Pudukottai,
Pudukottai District.
- 4.The District Educational Officer,
O/o.the District Educational Office,
Pudukottai,
Pudukottai District.
- 5.The Block Educational Officer,
O/o.the Block Educational Office,
Pudukottai,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Moo.Mo.No.14723/J/E1/2021, dated 15.04.2021 and quash the same as illegal and consequentially to direct the respondents to appoint the petitioner on compassionate ground to any of the post commensurate with the petitioner's qualification within the period that may be stipulated by this Court.



For Petitioner

: Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates

For Respondents

: Mr.G.V.Vairam Santhosh
Addl. Government Pleader

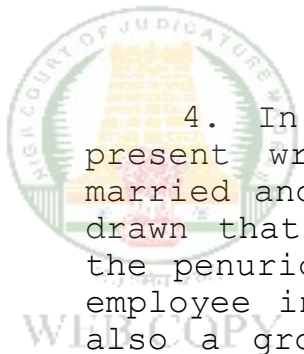
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O R D E R

The order of rejection, rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2. The mother of the writ petitioner Mrs.S.Aruna Devi was working as a Secondary Grade Teacher in Municipal Primary School, Pudukottai and died on 30.10.2007, while she was in service. The petitioner submitted an application seeking appointment on compassionate ground on 27.03.2008 and the said application was rejected by the District Educational Officer in proceedings dated 11.03.2014. However, the petitioner has not pursued the matter thereafter. The said order of rejection was not challenged and the petitioner submitted another application, which was also rejected by the competent authority in the impugned proceedings dated 15.04.2021. The second application was made on 10.03.2021 beyond the period of three years and more specifically, after the lapse of 14 years from the date of the death of the deceased employee. Once the order of rejection is passed in the year 2014, the second application before the competent authority seeking appointment is not at all maintainable. However, the second application was also rejected. By creating a cause of action after a lapse of many years, the second rejection order is under challenge in the present writ petition.

3. This Court is of the opinion that the aggrieved persons are submitting representations after representations in order to create a fresh cause of action so as to avoid the period of limitation. Such practice of litigants at no circumstances be encouraged by the Court. Once a cause of action arose, aggrieved persons are expected to redress the same within a reasonable period of time. Contrarily, they allowed the cause to lapse and after many years, they filed another representation and get an order of rejection and filed the writ petition and thereby, request for adjudication on merits. The point of delay and laches is also an important factor for the purpose of entertaining a writ petition. The delay and laches is also a ground on which a writ petition is to be rejected. Any person, who slept over their right cannot knock the doors of the Court after lapse of several years.



4. In the present case, even at the time of filing of the present writ petition the petitioner was aged about 37 years, married and also having children. Therefore, an inference is to be drawn that the petitioner will be working somewhere gainfully and the penurious circumstances arose on account of sudden death of an employee in the year 2007 became vanished. The efflux of time is also a ground to draw the factual inference that the indigenous circumstances arose did not exist on expiry of several years. This being the factum, the second rejection order deserves no merits consideration and further, the petitioner is already aged about 37 years as of now and probably would have employed somewhere and this being the factum, the order impugned is in consonance with the scheme of compassionate appointment.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (A.D.I)

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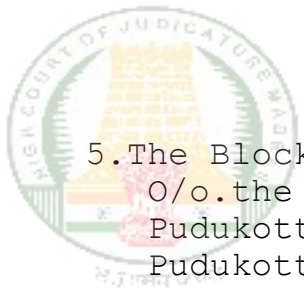
/ /2022

Sub Assistant Registrar(CS)

MPK

To

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O/o.the District Educational Office,
Pudukottai,
Pudukottai District.



5.The Block Educational Officer,
O/o.the Block Educational Office,
Pudukottai,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-10589[F] dated 08/03/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10738[F] dated
09/03/2022)

W.P.(MD) No.23017 of 2021
07.03.2022

RD(23.03.2022) 4P 8C