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W.P.No.11201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11201 of 2023

A.Mageswari

...Petitioner

Vs

1. The Secretary to Government,
Social Welfare Department,
Fort George, Chennai.
2. The District Collector,
Perambalur District,
Perambalur.
3. The Child Development Project Officer,
Child Development Scheme Office,
Veppur Panchayat Union,
Veppur, Perambalur District.
4. The District Project Officer,
Collector Office,
Perambalur District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of rejection issued by the 2nd respondent herein in Na.Ka.No.2/Aa2/2022 dated 23.09.2022 and quash the same and direct the respondents to provide appropriate job to the petitioner on compassionate grounds, on the file of the respondents within a time period stipulated by this Court.



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For Petitioner : Ms.L.Meena

For Respondents : Mr.P.Gurunathan
AGP

ORDER

The petitioner is the daughter of one Mrs.Palaniyammal, who was appointed as Anganwadi Helper in Puduvetakkudi Anganwadi Panchayat Union, Veppur on 21.07.2017. During her service, she died on 06.06.2020. The petitioner had made an application on 20.10.2021, seeking for compassionate appointment. Through the impugned order dated 23.09.2022, the application of the petitioner was rejected on the ground that the petitioner's mother, while in service, had submitted a bogus certificate and therefore, the petitioner's application does not require consideration.

2. Learned counsel for the petitioner submits that the petitioner had submitted her application, seeking for compassionate appointment in time and therefore, referring to the petitioner's mother certificate after her death, cannot be sustained.

3. Learned Additional Government Pleader, placed reliance on the averments in the counter affidavit, submitted that the petitioner's mother had given her VIII Standard transfer certificate, whereby, her age is determined as



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33 years and therefore, there is no possibility of age difference of two years between the petitioner and her mother. In support of such a submission, the learned Additional Government Pleader placed reliance on the petitioner's mother's school Transfer Certificate and report from the Headmistress of Selva Murugan Maniya Nadunilai Palli dated 11.05.2022, which states that there is no record to show that Mrs.Palaniyammal had studied in their school.

4. I am unable to comprehend as to how the respondents could conduct an enquiry into the service records of an employee who had already expired. Admittedly, the petitioner's mother expired on 06.06.2020 and the respondents have now placed reliance on the letter of the Headmistress of the petitioner's mother's school dated 11.05.2022. This is atleast two years after the death of petitioner's mother. Even assuming that the Transfer Certificate of the petitioner's mother is questionable, the respondents have no authority to take proceedings against a dead person in this matter. It requires to be pointed out that not only had the respondents ventured into enquiry into the records of the death person, but, were quite aware that this enquiry is unilateral. Having failed to initiate any action when the employee was alive, it is now not open to them to open her service records, to verify the sanctity of her educational testimonials. Thus, the reason for rejection on this ground cannot be sustained.



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5. Since no other reason has been assigned for rejecting the petitioner's request for compassionate appointment, she would be entitled for the relief sought for.

6. Accordingly, the impugned order dated 23.09.2022 passed by the second respondent is hereby quashed and there shall be a direction to the second respondent to forthwith pass appropriate orders, granting appointment to the petitioner on compassionate grounds within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition stands allowed. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.,

SR

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