



W.P.No.9004 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.9004 of 2023
and
W.M.P.No.9124 of 2023

M. Yogeshwar

.. Petitioner

Versus

1. The Chief Educational Officer,
Chief Educational Office,
Erode District.
2. The District Educational Officer,
Sathyamangalam, Erode District.
3. The Assistant Director,
Government Assistant Director Selection,
Erode District.
4. The headmistress,
Government Women Hr. Sec School,
Sathyamangalam,
Erode District

.. Respondents



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Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records of the first Respondent in Ref.No.O.Mu.No.2474/A1/2021 dated 17.09.2021 and quash the same and consequently direct the first respondent to consider the petitioner's application dated 04.08.2021 and appoint him on compassionate ground and pass orders.

For Petitioner : Mr.B. Kumarasamy

For Respondents 1 to 3 : Mr.S. Rajesh
Government Advocate

ORDER

This writ petition is filed to issue a Certiorarified Mandamus calling for the records of the first Respondent in Ref.No.O.Mu.No.2474/A1/2021 dated 17.09.2021 and quash the same and consequently direct the first respondent to consider the petitioner's application dated 04.08.2021 and appoint him as compassionate ground



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2. The learned Government Advocate takes notice for the respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that his father worked as Post Graduate Teacher in the 4th Respondent School and he died on 23.02.2016. After the demise of petitioner's father who is the sole bread winner of the family, the family was in indigent circumstances, due to which the sister of the petitioner gave a representation to the second respondent and the second respondent raised some queries and the same was responded. However, there is no response from the second respondent. Hence, the petitioner gave a representation to the respondent to provide compassionate employment to him with no objection letter from her brother and sister along with the educational certificate. The first respondent rejected the petitioner's request on 17.09.2021 on the ground that his sister application for appointment of compassionate ground is pending. Aggrieved over the same the petitioner



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has filed this petition.

4. The learned counsel appearing for the petitioner submitted that there the impugned order passed by the first respondent is not a valid one. Hence he prays this Court to consider the petitioner's representation and pass appropriate orders within a reasonable time fixed by this Court.

5. The learned Government Advocate appearing on behalf of the respondent submitted that the petitioner's representation will be considered on merits and in accordance with law.

6. Considering the facts of the case and the fact that the petitioner was minor at the time of his sister applied for the said post and now that the petitioner has become major and legally the petitioner's sister application is pending, the this Court directs the respondents to consider the representation/application of the petitioner or his sister and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order by taking a decision either to appoint the petitioner or his sister after adhering to the



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principles of natural justice.

7. With the above terms, this present writ petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

24.03.2023

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To

1. The Chief Educational Officer,
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Erode District.

2. The District Educational Officer,
Sathyamangalam, Erode District.

3. The Assistant Director,
Government Assistant Director Selection,
Erode District.

4. The headmistress,
Government Women Hr. Sec School,
Sathyamangalam,
Erode District

5. The Section Officer, V.R.Section,



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High Court, Madras.

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V.BHAVANI SUBBAROYAN, J.

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