



WEB COPY



W.P.No.6723 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6723 of 2015

B.Vishnu

.... Petitioner

Vs

1. The Director of Elementary School Education,
College Road,
Chennai – 600 006.

2. The District Education Officer,
Virudhachalam.

3. The District Elementary Education Officer,
Cuddalore.

4. The Additional Assistant Elementary,
Educational Officer,
Kattumannarkoil Taluk,
Cuddalore District – 608 303.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to impugned order in Mu.Mu.No.2632/a1/2012 dated 15.07.2014 passed by the 2nd respondent herein and to quash the same and consequently to direct the 1st respondent to consider the petitioner's application dated 22.09.2011 and appoint the petitioner as Junior Assistant in the respondent department.



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For Petitioner : Mr.R.Syed Mustafa
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 15.07.2014 in Mu.Mu.No.2632/a1/2012 passed by the second respondent, thereby rejected the request made by the petitioner for his compassionate appointment.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner's mother was working as Head Mistress in the Elementary School of Kurungudi Village. While she was working, she died on 23.08.2009 leaving behind his father and his younger brother. At the time of his mother's death, the petitioner's father was running a typewriting institute and the petitioner was only aged about 14 years. At the age of 16 years, the petitioner made an application on 22.09.2011 before the second respondent through the third respondent, by enclosing all necessary documents for compassionate appointment.



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However, the request of the petitioner was rejected by an order dated 15.07.2014.

4. The learned counsel for the petitioner would submit that though the petitioner made an application when he completed only 16 years, he was not a qualified person for compassionate appointment. The request of the petitioner was rejected on the ground that already his father was running a typewriting institute. Now a days, the typewriting institute has no business and he completed graduation and also post graduation.

5. On perusal of the counter filed by the second respondent revealed that admittedly at the time of death of his mother, he was only aged about 14 years. When he completed his graduation, he applied for compassionate appointment on 22.09.2011 as per G.O.Ms.No.112, Personnel and Administrative Reforms Department, dated 23.08.2005 and the Government Letter No.86/Q-1/10-2 dated 04.05.2010, compassionate ground appointment can be made to the applicant, who has attained the age of 18, as on the date of application within three years from the date of death of the employee. That apart, as per the guidelines



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issued in G.O.Ms.No.988, Labour and Employment Department, dated 02.05.1981, if there is already an earning member irrespective of the fact that the member is employed in Government service or elsewhere in other department, members of the deceased government servant will not be eligible for the grant of concession.

6. In view of the above, the request made by the petitioner cannot be considered and this Court finds no infirmity or illegality in the order dated 15.07.2014 in Mu.Mu.No.2632/a1/2012 passed by the second respondent. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

16.08.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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