



W.P.No.9635 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.9635 of 2015

S.Kumutha

... Petitioner

Versus

1.The Director of School of Higher Education,
Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Cuddalore District,
Cuddalore.

3.The Head Mistress,
Sri Varadam Girls Higher Secondary School,
Manchakuppam, Cuddalore,
Cuddalore District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing respondents to give job to the petitioner in proportion to her educational qualification.

For Petitioner : M/s.K.Srinivasan

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader for R1 and R2



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ORDER

This Writ Petition is filed seeking for a direction to the respondents to appoint the petitioner on compassionate grounds in the vacancy of the petitioner's mother who died while she was in service as a P.T. Assitant Teacher.

2. The facts in brief as per the affidavit are that petitioner's mother by name S.Jayammal, wife of D.S.Ganapathy, worked as a P.T. Assitant Teacher in Sri Varada, Government Girls Higher Secondary School at Manchakuppam in Cuddalore District. S.Jayammal, died on 21.04.1996, due to heart attack leaving behind the petitioner, K.Kuppu, elder sister of the petitioner and Subramaniya Raja, brother of the petitioner. Elder sister of the petitioner (K.Kuppu), is missing and her whereabouts was not known. Brother of the petitioner (Subramaniya Raja) is working as a Teacher. The petitioner is married and she is not working anywhere. The petitioner made a representation on 28.10.2014, seeking for appointment on compassionate ground. Further husband of the petitioner worked as a Van driver in National Power Training Institute, Neyveli and he was terminated from service.



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3. Learned counsel for the respondents has filed a counter on behalf of the respondents.

4. It is the contention of the respondents that as per G.O.No.225 L&E dated 15.02.1972, petitioner ought to have given a representation for appointment on compassionate ground within three years from the date of death of her mother. Whereas, in this case, the mother of the petitioner died on 21.04.1996 and representation was made by the petitioner on 28.10.2015, i.e., after a lapse of 15 years. Learned counsel for the respondents submitted that the petitioner was aged about 48 years at the time of filing of application and now she is aged about 56 years, thereby the petitioner has crossed the age for consideration for appointment on compassionate grounds.

5. The petitioner made a representation on 28.10.2015 for appointment on compassionate ground after the laps of 15 years of the death of petitioner's mother. Further Petitioner has attained 56 years as on today thereby exceeded upper age limit prescribed for appointment of any post. Considering the same, petitioner cannot be appointed on compassionate grounds as per G.O.No225 L&E dated 15.02.1972. Therefore, the relief sought for by the petitioner cannot be granted.



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Dr.D. NAGARJUN, J.

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6. In view of the above, this Writ Petition is dismissed. No costs.

07.11.2023

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Index:Yes/No

Speaking Order: Yes/No

Note: Issue Order Copy on 08.11.2023

To

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