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W.P.No.24558 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2014

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24558 of 2014
and M.P.No.1 of 2014

R.Prakatheeswaran

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Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.

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

3. The District Educational Officer,
Namakkal.

....

Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus calling for the records of the second respondent relating to order in (1) Pro.Na.Ka.No.35890/J4/2007 dated 21.02.2013 and (2) Pro.Mu.Mu.No.4540/J4/2014 dated 12.04.2014 and to quash the same and to issue consequential directions to the respondents to provide appointment to the petitioner on compassionate grounds in a suitable post, commensurate with his educational qualifications.



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For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the orders passed by the second respondent dated 21.02.2013 and 12.04.2014, thereby rejected the request made by the petitioner seeking appointment on the compassionate ground.

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 father was served as Office Assistant in the Panchayat Union Elementary School, Vedarasampalayam, Pallipalayam, Namakkal District. While he was in service, he died on 04.04.2001 leaving behind his wife, two sons and one daughter. The mother of the petitioner submitted representation on 19.09.2001 for giving appointment to the elder brother of the petitioner herein on compassionate ground. At that time, there was ban for appointment on compassionate ground. The elder brother of the petitioner had completed B.E.,Degree and he gainfully



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employed. Subsequently, the petitioner's mother once again applied for appointment of compassionate ground to the petitioner herein on 11.09.2006 along with no objection letters from the other legal heirs. It was rejected on the ground that the elder son to the deceased employee has employed as Engineering Consultant and as such, the other person in the same family is not eligible for compassionate ground of appointment.

4. That apart, the first application submitted for appointment on the ground of compassionate was pending under consideration. Another application for appointment on the compassionate ground for alternative person cannot be considered. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

28.08.2014

Internet : Yes

Index : Yes/No

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To

1. The Secretary to Government,



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Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai – 600 009.

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

3. The District Educational Officer,
Namakkal.

G.K.ILANTHIRAIYAN, J.

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