



W.P(MD)No.4682 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4682 of 2023

Minor.S.Srisaranya

Represented through her Nex fried &
Guardian Grandmother T.Jayalakshmi

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, 6, College Road,
Subba Road Avenue, Nungambakkam,
Chennai-600 006.

2.The Chief Education Officer,
Thallakulam,
Madurai-625 002.

3.The Primary Education Officer,
Thirumangalam Government Boys School Campus,
Thirumangalam.

4.The Block Education Officer,
Thiruparankundram, Koodalmalai School Campus,
Madurai-625 005.

5.S.Kavitha

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents no.1 to 4 to not to process the compassionate ground appointment of the 5th respondent, till she pay the entire death benefits of the petitioner's father Late.Sithaiyan, died on 11.03.2014 while in service under the respondents no.1 to 4 to her by considering her representation, dated 18.02.2023, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R1 - R4 : Mr.V.Om Prakash
Government Advocate
For R5 : Mr.S.Ramakrishnan

ORDER

The present writ petition has been filed seeking a Mandamus directing the respondents 1 to 4 not to process the compassionate appointment request of the 5th respondent herein.

2. The writ petitioner is the minor daughter of one Sithaiyan who died while in harness on 18.01.2021. While Sithaiyan was alive, he had originally married to one Bhuvaneshwari and the writ petitioner was born through the said Bhuvaneshwari. After the death of Bhuvaneshwari, the said Sithaiyan had got married to the 5th respondent herein.



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3. After the death of Sithaiyan, the minor petitioner has filed the present writ petition through her grand-mother with a request, not to process the application for compassionate appointment of the 5th respondent. In view of the family dispute between the parties, the matter was referred for mediation. In mediation, the parties have arrived at a settlement. Paragraph No.6 of the said settlement is extracted as follows:

“6. The following settlement has been arrived between the parties hereto:

a. 5th respondent S.Kavitha agree to deposit the amount of Rs.4 Lakhs in favour of minor S.Sri Saranya in Nationalized Bank within 3 weeks.

b. The petitioner minor Sri Saranya Represented through her grandmother T.Jayalakshmi ready to give no objection for getting compassionate appointment of 5th respondent, S.Kavitha.”

4. In view of the above said settlement arrived at between the parties, the respondents 1 to 4 are at liberty to consider the application of the 5th respondent for compassionate appointment, after she produces the records relating to deposit of Rs.4,00,000/- (Rupees Four Lakh only) in favour of the minor writ petitioner and if she is otherwise eligible. The



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authorities are directed to consider the name of the 5th respondent on the basis of her eligibility and seniority.

5. With the said observations, this Writ Petition stands disposed of.

No costs.

23.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Director of School Education,
DPI Campus, 6, College Road,
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R.VIJAYAKUMAR,J.

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Order made in
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