



W.P(MD)No.5011 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5011 of 2023

P.Kelvin

... Petitioner

Vs.

1.The Commissioner of School Education,
School Education Department,
Chennai.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Elementary Educational Officer,
O/o. District Elementary Educational Office,
Nagercoil,
Kanyakumari District.

4.The Block Educational Officer,
O/o. Block Educational Office,
Rajackamangalam Circle,
Kanyakumari District.

5.The Head Master,
Government Middle School,
Parakkai,
Rajackamangalam Taluk,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 4 to grant compassionate appointment to the petitioner based on his application dated 17.07.2013 following the death of the mother of the petitioner who was then working as Special Secondary Grade Teacher in the fifth respondent's school and on further representation with required annexures dated 03.08.2021 and by considering the petitioner's representation dated 101.01.2023 within a time stipulated by this Court.

For Petitioner : Mr.C.Bharathi

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother was working as special secondary grade teacher in the 5th respondent school. She passed away on 01.08.2010. The petitioner was minor at the time of her death. An application seeking appointment on compassionate ground was given on 17.07.2013. In other words, the application was given within three years from the date of demise of the employee. The petitioner had attained majority by then. Since the petitioner's request was not considered, the petitioner has sent reminder on 03.08.2021 and again on 10.01.2023.



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3. I am satisfied that the petitioner's application is within time. The fact that he was a minor when his mother passed away cannot be put against him. The second respondent is directed to pass order on the petition mentioned representation on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs.

31.03.2023

Index : Yes / No
Internet : Yes/ No
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To

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