



W.A.(MD)No.411 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.411 of 2016

R.Gohila

... Appellant

Vs.

1.The Director of School Education,
D.P.I.College Road, Chennai-6.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The District Educational Officer,
Srivilliputhur, Virudhunagar District.

4.The District Elementary Educational Officer,
Virudhunagar District, Virudhunagar.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.20316 of 2014, dated 15.12.2014 on the file of this Court.



For Appellant : Mr.N.Sekar
For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM.J.***)

This Writ Appeal has been instituted against the order dated 15.12.2014 passed in W.P.(MD)No.20316 of 2014.

2.The claim of the appellant seeking compassionate appointment was rejected by the learned Single Judge mainly on the ground that the father of the writ petitioner died on 02.10.1993 and the Writ Petition was instituted in the year 2014 and more so, the writ petitioner got married in the year 1999.

3.The fact that the father of the writ petitioner died in the year 1993 and the writ petitioner approached the High Court after lapse of 20 years would be sufficient to draw a factual inference that the family of the deceased employee is not entitled to claim compassionate appointment.



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4.The very purpose and object of the scheme of compassionate appointment is to mitigate the circumstances arising on account of sudden death of the employee. The claimant should establish penurious circumstances and other criteria fixed by the Government to avail the benefit of the scheme. The scheme being violative of Articles 14 and 16 of Constitution of India is to be implemented strictly in consonance with the terms stipulated and any violations would cause infringement of the right of the public employment to all other candidates, who are all aspiring to secure the public employment through open competitive process.

5.The scheme being a special scheme cannot be extended by the Courts by providing appointment on compassionate ground. The scheme is to be extended to the genuine families, wherein penurious circumstances and other factors are established before the competent authority.

6.In the present case, the learned Single Judge rejected the claim of the writ petitioner mainly on the ground that the father of the writ petitioner died in the year 1993 and the first Writ Petition was filed by the writ petitioner in the year 2013 to consider the application. Thus, the dead cause was restored and therefore,



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we are not inclined to entertain this Writ Appeal. Accordingly, this Writ Appeal stands dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)

16.11.2023

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

Yuva

To

- 1.The Director of School Education,
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