



W.A.(MD).No.2151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.2151 of 2023

M.Manimaran

.. Appellant

Vs.

1.The District Educational Officer,
Vedasandur, Dindigul District.

2.The Block Educational Officer,
Guziliam Parai, Dindigul District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.06.2023 made in W.P.(MD).No.17431 of 2019 on the file of this Court.

For Appellant : Mr.S.Louis

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



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JUDGMENT

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

The order dated 16.06.2023 passed in W.P.(MD)No.17431 of 2019 is under challenge in this Writ Appeal.

2.The appellant is the writ petitioner. Admittedly, the father of the appellant was serving as Secondary Grade Teacher in Panchayat Union School and died on 28.03.1996, while he was in service. The writ petitioner was one year old at the time of death of his father. On attaining the age of majority in the year 2014, the writ petitioner submitted the application seeking appointment on compassionate ground. The said application was rejected through the impugned order dated 06.06.2019. Challenging the same, the appellant preferred the Writ proceedings.

3.The learned Single Judge considered the facts and formed an opinion that the application itself had been submitted by the appellant beyond the period of three years as contemplated under the scheme of compassionate appointment and therefore, he is not entitled to secure appointment on compassionate ground.



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4.The scheme of compassionate appointment is a concession, not an absolute right. The scheme is to be implemented scrupulously by following the terms and conditions stipulated. The application submitted within three years from the death of an employee alone is to be considered. The very purpose and object of the scheme is to mitigate the circumstances arising on account of the sudden death of the employee. Pecuniary circumstances prevailing in the family are also to be taken into consideration by conducting enquiry with regard to the source of income and other factual aspects.

5.This being the scheme of compassionate appointment, we do not find any infirmity in respect of the order passed by the learned Single Judge. Thus, the same stands confirmed. Accordingly, this Writ Appeal stands dismissed. No costs.

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

20.12.2023

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

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S.M.SUBRAMANIAM,J.

and

V.LAKSHMINARAYANAN,J.

Yuva

To

- 1.The District Educational Officer,
Vedasandur, Dindigul District.
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