



W.P.(MD)No.28406 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28406 of 2022
W.M.P(MD).No.22431 of 2022

R.Indrani

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Shenoy Nagar, Madurai.

2.The Principal,
Government Arts and Science College,
Veerapandi, Theni District.

3.Manivannan

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to reject the application of the third respondent herein claiming a post of Assistant Professor in the Government College, Veerapandi, Theni District, on compassionate grounds for the death of the third respondent's wife namely Nalayini.



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For Petitioner : Mr.B.A.Muruganantham

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 and R2
Mr.J.Thomas Rajadurai for R3

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to reject the application of the third respondent herein claiming the post of Assistant Professor in the Government College, Veerapandi, Theni District, on compassionate grounds for the death of the third respondent's wife namely Nalayini.

2. The case of the petitioner is that the petitioner is the mother of one Nalayini, who was working as Assistant Professor in the second respondent College. On 29.09.2019, the said Nalayini died in an accident. Out of the wedlock between the said Nalayini and the third respondent, two children namely Jividhath Sagar and Jisika were born. The third respondent has received the compensation amount from the College Authorities on the death of the said Nalayini. Admittedly, the



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petitioner has given the consent to the application given by the third respondent to be considered for the appointment of the Assistant Professor in the Government Arts and Science College, Veerapandi, on condition that the third respondent has to deposit the entire compensation amount in the name of her grand children. However, he has not deposited the amount and has married one Deepika, who is working in the same Shri V.P.R.College of Education, Theni. Hence, the petitioner has made a complaint before the respondents 1 and 2 not to consider the third respondent's application for compassionate appointment. However, till date, no order has been passed. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court directs the first respondent to conduct enquiry between the petitioner and the third respondent and pass appropriate orders on merits and in accordance with law, within a specified period.



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4. The learned counsel appearing for the third respondent would submit that though the third respondent has received the compensation amount, he is ready to settle the property in favour of his minor children. The allegation made against the third respondent by the petitioner is without any material.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

6. Considering the submission made by the learned counsel appearing for the petitioner and the learned counsel appearing for the third respondent, this Court, without going into the merits of the case, directs the third respondent to settle the property or deposit the entire compensation amount in favour of his minor children. Thereafter, the first respondent is directed to hear the petitioner and the third respondent and pass appropriate orders on merits and in accordance with law, as



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expeditiously as possible.

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7. With these directions, this Writ Petition is disposed of. No costs.

Connected miscellaneous petition is also closed.

03.02.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Joint Director of Collegiate Education,
Shenoy Nagar, Madurai.

2.The Principal,
Government Arts and Science College,
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M.DHANDAPANI,J.

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