



W.P.No.457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2024

Coram

The HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P.No.457 of 2023

R.Sivakumar

.. Petitioner

Vs

1.The Block Education Officer,
Elementary Education,
Koliyanoor, Villupuram District.

2.The District Elementary Educational Officer,
Elementary Education Department,
Villupuram.

3.The District Education Officer,
Villupuram.

4.The Secretary,
Aided Middle School,
Ragavanpettai,
Koliyanoor, Villupuram District.

.. Respondents

(R4 impleaded vide order dated 11.09.2024
made in W.M.P. No.2260 of 2023 in
W.P.No.457 of 2023)

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the first respondent to



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consider the petitioner's application dated 18.04.2016 for appointment under compassionate ground.

For Petitioner : Ms.P.Rajalakshmi
For Respondents : Ms.S.Mythreye Chandru,
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to consider the application/representation dated 18.04.2016 submitted by the petitioner seeking for appointment on compassionate grounds.

2. The case of the petitioner is that his mother was working as Headmistress in an aided middle school. She died in harness on 23.12.2014. The petitioner submitted an application seeking for employment on compassionate grounds on 18.04.2016. Thereafter, several representations were made by the petitioner which did not evoke any response. Hence the present writ petition has been filed before this Court seeking for appropriate direction.



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3. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of respondents 1 to 3 submitted that the representation made by the petitioner has already been rejected by the District Elementary Educational Officer, Villupuram District by proceedings dated 08.02.2023. The learned Special Government Pleader submitted that respondents 1 to 3 will not have any role to play insofar as appointment on compassionate grounds in an aided school and it is only for the concerned aided school to take a decision regarding the same. The learned Special Government Pleader also placed reliance upon the counter affidavit filed by the second respondent and submitted that the appointment on compassionate grounds cannot be claimed as a matter of right and that apart, the petitioner cannot seek for a direction from the official respondents to get the employment on compassionate grounds from an aided school. Accordingly, the learned Special Government Pleader sought for dismissal of this writ petition.

4. Learned counsel for the petitioner placed reliance upon G.O.Ms.No.986 Education (D2) Department dated 22.10.1991. Learned counsel submitted that this Government Order was passed specifically dealing with the employment on compassionate grounds



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with respect to the aided schools. Learned counsel submitted that by virtue of this Government Order, the aided school has been brought on par with the Government schools and the staff have been brought on par with the Government servants. Therefore, even if a staff belonging to aided school dies in harness, the claim for appointment on compassionate grounds can be made as a matter of right in such aided school.

5. In the considered view of this Court, the Government Order that was relied upon by the learned counsel for the petitioner, at the best, only states that the aided school has to consider the application for appointment on compassionate grounds since the staff in the aided schools are treated on par with Government servants. However, it is for the aided school to decide this issue and the official respondents cannot direct any aided school to consider appointment on compassionate grounds. Therefore, no relief can be granted as against respondents 1 to 3. If the petitioner has identified any aided school and there are vacancies, it is left open to the petitioner to submit his application. It will be dealt with on its own merits and in accordance with law. The petitioner has impleaded an aided middle school as the fourth respondent. It will be left open to the petitioner to make an



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application to the impleaded fourth respondent and the fourth respondent will take a decision with respect to the claim made by the petitioner. No positive direction can be issued by this Court in this regard.

6. In the result, the writ petition is disposed of in the above terms. No costs.

11.09.2024

Index:Yes/No
Neutral Citation:Yes/No
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(2/2)

To

- 1.The Block Education Officer,
Elementary Education,
Koliyanoor, Villupuram District.
- 2.The District Elementary Educational Officer,
Elementary Education Department,
Villupuram.
- 3.The District Education Officer,
Villupuram.



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