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WP.No.3478 of 2024

In the High Court of Judicature at Madras

Dated : 23.10.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.3478 of 2024

M.Kannigaparameshwari

...Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
New Collectorate Building,
Manjakuppam, Cuddalore.
- 2.The District Educational Officer,
Office of the District Educational
Officer, Cuddalore.
- 3.The Chief Educational Officer,
Office of the District Educational
Officer, Cuddalore.
- 4.The Headmaster, Government
High School, Angu Chetti Palayam,
Panruti Taluk, Cuddalore District.
607110.
- 5.The District Educational Officer
(Intermediate), Office of the District
Educational Officer, Virudhachalam.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to impugned orders vide (i) Na.Ka.No.7837/A1/2021



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dated 13.10.2021 passed by the 2nd respondent and (ii) Na.Ka.No. 573/A1/2023 dated 19.1.2024 passed by the 3rd respondent, quash the same and consequently direct the respondents to issue appointment order to the petitioner under compassionate ground.

For Petitioner : Mr.Prakash Adiapadam
For Respondents : Mrs.S.Mythreye Chandru, SGP

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 13.10.2021 and the proceedings of the third respondent dated 19.1.2024 and for a consequential direction to the respondents to consider the petitioner for appointment on compassionate ground in a suitable post.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is as follows :

(i) The petitioner's father was working as an Office Assistant in the fourth respondent - Government High School. He died in harness on 16.9.2017 leaving behind his wife and five daughters. The petitioner is his youngest daughter and his other four daughters are



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elder to the petitioner, got married and are living separately.

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(ii) At the time of death of her father, the petitioner was aged 14 years and was studying in the 9th Standard. The petitioner submitted a representation/application on 04.11.2019 to the second respondent seeking for appointment on compassionate grounds. After seeking for various clarifications and exchange of communications, the second respondent sent a communication dated 13.10.2021 to the fourth respondent, with a copy marked to the petitioner, returning the application submitted by the petitioner by stating that the petitioner was a minor on the date of submitting the application and that therefore, she cannot be considered for appointment on compassionate grounds.

(iii) Thereafter, the mother of the petitioner also submitted an application on 11.1.2023 before the third respondent seeking for appointment to the petitioner on compassionate grounds. But, it was also rejected by the third respondent through proceedings dated 19.1.2024. Aggrieved by the same, the above writ petition has been filed before this Court.

4. The third respondent filed a counter affidavit for himself and on behalf of other respondents also wherein he has taken a stand that both the applications for appointment on compassionate grounds were



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rejected mainly on the ground that the petitioner had not attained majority and that based on the relevant rules, no right has accrued to the petitioner. Therefore, the respondents have justified the rejection of the applications seeking for appointment on compassionate grounds and sought for dismissal of this writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned orders.

6. In the case on hand, the father of the petitioner died on 16.9.2017. On 04.11.2019, the petitioner submitted an application seeking for compassionate appointment. After getting all the relevant reports, vide proceedings dated 13.10.2021, the second respondent rejected the representation/application on the ground that as on date of submitting the application, the petitioner had not completed the age of 18 years.

7. The petitioner's mother also made an application on 11.1.2023 seeking for appointment to the petitioner on compassionate grounds and it was rejected by the third respondent through the proceedings dated 19.1.2024 on the very same grounds.



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8. The application for appointment on compassionate grounds was submitted on time. The petitioner attained majority on 11.6.2021. The three years' period after the demise of the petitioner's father came to an end on 16.9.2020. Therefore, the respondents ought to have kept the application pending since the petitioner attained majority within a period of nine months after the expiry of the three years' period.

9. While considering the case of appointment on compassionate grounds, it cannot be dealt with in a mechanical fashion. The petitioner's father died when he was hardly 50 years leaving behind the petitioner, her four elder sisters and her mother. Her four elder sisters are married and they are not supporting the family. Only the petitioner and her mother are now being left behind. The father of the petitioner was holding the post of Office Assistant in the fourth respondent - Government High School. Therefore, the financial situation of the petitioner and the dire needs of the family to get someone employed to support the family ought to have been considered by the respondents.

10. The object behind providing appointment on compassionate grounds must not be brushed aside and applications should not be



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rejected on technical grounds. It is not as if a long period of time has lapsed after the demise of the petitioner's father. The family was in dire straits and someone has to take care of the family. Hence, the respondents ought to have kept the application of the petitioner pending and considered the same for appointment on compassionate grounds after she attained majority.

11. In the light of the above discussions, the impugned proceedings of both respondents 2 and 3 respectively dated 13.10.2021 and 19.1.2024 are hereby quashed. There shall be a direction to respondents 2 and 3 to consider the application of the petitioner for appointment on compassionate grounds on its own merits subject to the petitioner fulfilling the other requirements. The appropriate orders shall be passed by the concerned respondent within a period of eight weeks from the date of receipt of a copy of this order.

12. In the result, the writ petition is allowed with the above directions. No costs.

RS

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