



W.P.No.8978 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.8978 of 2021
and W.M.P.No.9494 of 2021

V.Usha

...

Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Chief Educational Officer,
Thiruvallur, Thiruvallur District - 602 001.
4. The District Educational Officer,
Tiruttani Educational District,
Tiruttani, Thiruvallur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to consider for appointment on compassionate ground by considering the representations dated 09.11.2011, 28.12.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Alex

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



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ORDER

The petitioner's husband who was working as a Secondary grade Teacher in Government High School, Sorakayapet, Thiruvallur District and died on 27.09.2009 while he was in service. The petitioner who is the wife of the deceased had filed an application before the 3rd respondent seeking compassionate appointment, but so far her application has not been considered. In view of the inordinate delay, the petitioner has crossed the age of 53 years. Now, the petitioner's son has become eligible to be appointed under Compassionate appointment and that he has made an application for compassionate appointment. It is relevant to note that the petitioner has also submitted an application for seeking compassionate appointment for her son also. But so far the respondents have not considered their applications and appointed the petitioner or her son under the compassionate appointment.

2. Heard Mr.A.Alex, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondents.

3. Mr.P.Gurunathan, learned Additional Government Pleader



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appearing for the Respondents submitted that the age limited to compassionate appointment is as under:

- i. The minimum age is 18 years at the time of submitting application for compassionate ground appointment;
- ii. The maximum age limit for spouse / father / mother is 50 years on the date of death of the Government servant;
- iii. The maximum age limit for the son or daughter of the deceased Government servant and unmarried brother / unmarried sister of the unmarried deceased Government servant is 40 years at the time of appointment.

4. It is not the claim of the respondents that the petitioner's case does not fall under the compassionate appointment scheme. In fact, the petitioner has given her representation immediately after the death of her husband. Hence, the condition that the application should be filed within a period of three years from the date of death of the Government servant, has been complied with. It is pathetic to note that the petitioner's two children were minors and were studying 3rd and 5th standard respectively, when the



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petitioner's husband died. The petitioner was living her life without any support and educated her children. However, as per Government norms, now the petitioner had crossed the eligible age. Only the delay in considering the compassionate appointment application of the petitioner, had created a situation where the petitioner's son alone seems to be eligible.

5. The 3rd respondent submitted that only in the event of death of the first legal heir of the deceased Government servant another legal heir of the deceased can be considered for compassionate appointment. So it is claimed by the 3rd Respondent that the son of the petitioner cannot claim compassionate appointment during the life time of the petitioner. Had the compassionate appointment been granted to the petitioner before she crossed the eligible age, the petitioner would not come into picture. Hence, now the Respondents cannot take a stand that only in the death of the petitioner, her son can be considered for compassionate appointment.

6. Similarly placed persons have already been considered in view of the peculiar circumstances of the case for compassionate appointment and



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such generosity can be shown to the case of the petitioner also without making any further delay. Since the petitioner's son has now become eligible, even though the petitioner has crossed the age limit, the 3rd respondent cannot deny on any other excuse and he should consider the application with a positive outlook and pass appropriate orders.

7. In view of the above, this Writ Petition is disposed of, directing the respondents to consider the application of the petitioner's son, dated 28.12.2020, seeking appointment under the compassionate scheme and pass appropriate orders for appointing him in any suitable post under compassionate scheme, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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R.N.MANJULA ,J.

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To:

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School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
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