



W.P.No.12356 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.12356 of 2020

V.A.Preetha

...

Petitioner

/vs/

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai – 600 009.

2. The Director of School Education,
DPI Complex,
Nungambakkam, Chennai – 600 006.

3. The Honorary Correspondent,
Dharmamurthi Rao Bahadur Calavala Cunnan,
Chetty's Higher Secondary School,
No.86-88, Madhavaram High Road,
Perambur, Chennai – 600 011.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to provide compassionate appointment to and favour of the petitioner's son C.S.Akshay within the time frame.



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For Petitioner ... Mr.T.S.Rajamohan
For Respondents ... Mr.M.Rajendran
Additional Govt. Pleader for RR1&2
Mr.Madhuri Donti Reddy for R3

ORDER

This Writ Petition has been filed to direct the respondents to provide compassionate appointment to the petitioner's son by name C.S.Akshay within the time frame.

2. Mr.T.S.Rajamohan, the learned counsel for the petitioner submitted that the petitioner's husband one Chandrasekaran was working as P.G.Assistant in the third respondent school and he died in harness on 06.01.2017; the petitioner is said to have given a representation on 24.02.2017 and requested the third respondent to provide compassionate appointment in favour of her son C.S.Akshay who has passed 12th Standard; the third respondent sent a reply by stating that the petitioner is gainfully employed and there is no compelling circumstances to grant any compassionate employment to her son. It is further submitted that the petitioner suffered a debt of more than Rs.50,00,000/- for treating her husband who died due to cancer; since the third respondent has notified



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vacancy for the post of Sub-Staff and the petitioner's son is also on the verge of completing B.Com Degree, her representation should be considered.

3. Mr.M.Rajendran, the learned Additional Government Pleader, submitted that the petitioner never approached the second respondent at any point of time along with her son to explain her family position and she had also suppressed the fact of her employment in an another aided school by name N.K.T.Higher Secondary School, Triplicane, Chennai in the representation given by her; the appointment on compassionate grounds cannot be claimed as a matter of right unless a scotch scheme is in place as in the case of Government Servants. It is further submitted that the petitioner can claim preference in future appointment if notified by the third respondent school in future; the third respondent school is not within the purview of the second respondent and hence no direction can be given in this regard.



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4. Even as per the submissions made by the petitioner in her affidavit, her son appears to be a minor at the time when her husband who was working as P.G.Assistant with the third respondent school, died. The third respondent also did not deny the fact that the petitioner's husband by name D.Chandrasekar was working in their school and he died in harness. However, it is submitted that there is no scheme in place for aided school to grant any compassionate appointment on the ground of death of a teacher or non-teaching staff in harness. It is further stated that the petitioner is employed gainfully in another aided school as a teacher and hence there is no question of giving any compassionate appointment.

5. However, the learned counsel for the petitioner submitted that the petitioner is only a temporary employee and as of today, she is no more under the employment.

6. The petitioner has stated that she had incurred a huge debt in view of the treatment given by her to her deceased husband who died on cancer. It is submitted by the third respondent that the petitioner never came in



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person along with her son to explain her family situation.

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7. When there is no scheme in place, it is up to the discretion of the third respondent whether to provide a job to the son of the petitioner by taking into consideration of the past services of her father rendered in the said school. Since the petitioner has been employed, she cannot claim it as a matter of right to provide any compassionate appointment to her son. However it is submitted by the third respondent school that in case of any future appointment, the Children of the deceased teaching and non-teaching staffs while in service can be given preference. So it is up to the petitioner to appear in person before the third respondent and explain her family situation and request to consider the appointment of her son to any other future post.

8. With the above observations, this Writ Petition is disposed. No costs.

08.01.2024

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

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To:

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