



WEB COPY



W.P.No.12852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12852 of 2024

and

W.M.P.No.14026 of 2024

S.Gowri Shankar

... Petitioner

Vs.

The District Collector,
Villupuram,
Villupuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Na.Ka.No.A4/35056/2023 dated 08.12.2023 and quash the same and to direct the respondent to appoint the petitioner on compassionate grounds in any suitable post commensurate with his qualification with all attendant benefits.

For Petitioner : Mr.R.Vijayakhumar

For Respondent : Mr.C.Jayaprakash
Government Advocate



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ORDER

The petitioner is challenging the order dated 08.12.2023 in and by which the petitioner's claim for compassionate appointment is rejected by the respondent.

2. The petitioner's mother was working as Junior Assistant and she died while in service in the year 1997. It can be seen that the petitioner was aged one year and 10 months as on date of the death of his mother. Now, after attaining majority, the petitioner had once again renewed the request for appointment on compassionate basis.

3. The learned counsel for the petitioner would submit that earlier an application is made within a period of three years. While so, when the petitioner subsequently attaining the age of majority and after obtaining educational qualification, subsequent representation is made, without considering the same on merits, the same has been rejected by the impugned order. Therefore, he would submit that the impugned order has to be interfered with by this Court.



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4. The matter has been authoritatively decided by the Full Bench of this Court in W.P.No.7016 of 2011 etc., holding that unless and otherwise the candidate attains majority within a period of three years from the date of death of the employee, subsequent application belatedly made cannot be considered inspite of the first application made within time.

5. Since the said view has been taken by this Court, this Court is unable to come to the rescue of the petitioner and cannot entertain this writ petition.

6. In view thereof, this Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

03.06.2024

Neutral Citation : No
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To

The District Collector,
Villupuram,



Villupuram District.

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D.BHARATHA CHAKRAVARTHY, J.

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