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W.P.No.36739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.36739 of 2024

and

W.M.P.No.39646 of 2024

U. Selvam

...Petitioner

Vs

1. Chief Educational Officer,
Thiruvannamalai.

2. District Educational Officer,
Cheyyar.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the impugned order passed by the first respondent in Na.Ka.No.1926/A1/2019 dated 07.06.2024 and quash the same and pass orders.

For Petitioner : Mr. Dhalapathy Vignesh Kumar

For Respondent : Mrs. S. Mythreye Chandru
Special Government Pleader

ORDER

By consent of learned counsel on either side, this writ petition is



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taken up for final disposal at the stage of admission itself.

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2. This petition is filed seeking to issue a Writ of Certiorari calling for the records of the impugned order passed by the first respondent in Na.Ka.No.1926/A1/2019 dated 07.06.2024 and quash the same and pass orders.

3. The facts of the case is that the petitioner's father passed away on 13.04.2005 leaving behind the petitioner, his mother and three brothers as legal heirs. Subsequent to which the petitioner made a representation to the respondent on 12.11.2007 requesting to appoint petitioner's brother U.Siva on compassionate grounds. However, there was no progress in the representation. Due to which the petitioner's mother gave representation to provide appointment to her on compassionate grounds and the same was forwarded to the first respondent. Whiles the second respondent by letter dated 06.07.2019 had directed the petitioner to produce the details of petitioner's brother/Murugan with regard to his income and educational qualification. Thereafter, the first respondent vide letter dated 07.08.2020 directed the



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petitioner to produce no objection letter from the legal heirs of petitioner's father to provide appointment to the petitioner on compassionate grounds. Thereafter, the second respondent vide letter dated 29.04.2021 requested the petitioner to produce details with regard to income of petitioner's family. When things stood as the said Siva got married and living separately, due to which the mother of the petitioner gave a representation to the respondents on 29.05.2021 to consider the petitioner for appointment on compassionate grounds. The said request was rejected by the first respondent by an impugned order in Na.Ka.No.1926/A1/2019 dated 07.06.2024 on the ground that once request is made for appointing a particular person on compassionate grounds, the same cannot be modified, unless the person who made the request for appointment died. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that the request was made to the respondents in the year 2007 and the respondents have kept pending for almost 17 years, hence the petitioner had requested the respondents to alter the request for appointment for his name to that of



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his brother, hence the delay is solely on the part of the respondent and only due to the delay, the petitioner had to alter the name in the application. Hence prays to allow this petition.

5. The learned Special Government Pleader appearing for the respondents submits that they will consider the case of the petitioner and pass orders on merits and in accordance with law.

6. Heard both sides and perused the materials available on record.

7. On a perusal of records it is made clear that the petitioner's father passed away on 13.04.2005 and the petitioner's family has made request to the respondents on 12.11.2007 i.e within a period of 3 years as per the rules in force and there is delay on the part of the respondents. Further more it is seen that as per of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) dated 8th March 2023 an alternative application can be given on the ground of ill health or for any other reason.

8. In view of the above facts, this order passed by the first



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respondent in Na.Ka.No.1926/A1/2019 dated 07.06.2024 is hereby quashed. The respondents are directed to consider the case of the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above observations this writ petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
smn

To.

1. Chief Educational Officer,
Thiruvannamalai.

2. District Educational Officer,
Cheyyar.



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V.BHAVANI SUBBAROYAN,J.

smn

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