



WP(MD) No.5029 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.5029 of 2024

and

W.M.P(MD)No.4813 of 2024

M.Manoj Kumar

... Petitioner

Vs.

1.The Secretary

Government of Tamilnadu,
School Education Department,
Secretariat,
Chennai.

2.The Director of School Education,

O/o. Directorate of School Education,
17, College Road,
Subba Road Avenue,
Nungambakkam,
Chennai - 600 008.



WP(MD) No.5029 of 2024

3.The Assistant Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

4.The District Educational Officer,
District Educational Office,
Uthamapalayam,
Theni District.

5.The District Educational Officer,
District Educational Office,
Theni District, Theni.

6.The Chief Educational Officer
Chief Educational Office,
Theni District, Theni.

7.The Head Master
Government Higher Secondary School,
Silamalai,
Theni Educational District,
Theni District.

...Respondents



WP(MD) No.5029 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records connected to the impugned order passed by the 5th respondent in his proceedings in Na.Ka.No.1852/A1/2022 dated 18.07.2022 and quash the same as illegal and arbitrary and consequently direct the respondents to provide suitable job to petitioner under compassionate ground on the death of petitioner's father on 02.04.2015 based on petitioner's application dated 15.02.2016.

For Petitioner : Mr.K.Srinivasaragavan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order in Na.Ka.No.1852/A1/2022 dated 18.07.2022 on the file of the Respondent No.5 and consequently to direct the respondents to provide suitable job to petitioner under compassionate ground on



WP(MD) No.5029 of 2024

the death of petitioner's father on 02.04.2015 based on petitioner's application dated 15.02.2016.

2. Heard Mr.K.Srinivasaragavan, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner, who claims to be the son of the deceased Manimuthu, died on 02.04.2015, while he was in service, has filed an application seeking appointment through compassionate grounds. His application has been dismissed on the ground that the petitioner's family has got annual family pension of Rs.10,33,994/-.

4. The learned counsel for the petitioner attracted the attention of this Court to G.O.(Ms)No.18 Labour and Employment (Q1) Department, dated 23.01.2020, in which the guidelines for



WP(MD) No.5029 of 2024

WEB COPY

compassionate appointment would state that the family pension of the deceased employee and the immovable property like living house cannot be taken into account.

5. But, the order has been passed strictly in violation of terms of the scheme and hence, it is liable to be set aside.

6. In the result, the writ petition is allowed and the impugned order dated 18.07.2022 of the fifth respondent is set aside and the matter is remanded back to the fifth respondent and the fifth respondent is directed to reconsider the same and pass order afresh on its own merits, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

07.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



WP(MD) No.5029 of 2024

WEB COPY

To

- 1.The Secretary
Government of Tamilnadu,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
O/o. Directorate of School Education,
17, College Road,
Subba Road Avenue,
Nungambakkam,
Chennai - 600 008.
- 3.The Assistant Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.
- 4.The District Educational Officer,
District Educational Office,
Uthamapalayam,
Theni District.
- 5.The District Educational Officer,
District Educational Office,
Theni District, Theni.
- 6.The Chief Educational Officer
Chief Educational Office,
Theni District, Theni.



WP(MD) No.5029 of 2024

7. The Head Master
Government Higher Secondary School,
Silamalai,
Theni Educational District,
Theni District.



WEB COPY



WP(MD) No.5029 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.5029 of 2024

Dated:
07.06.2024