



WP(MD). No.13187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13187 of 2024

R.Radhalakshmi

... Petitioner

Vs

1. The State Rep.By,
The Principal Secretary,
School Education Department,
Secretariat,
St. George Fort,
Chennai - 600 009..

2. The Director,
School Education Department,
Dpi Complex,,
Chennai 600 006..

3. The Chief Educational Officer,
Sivagangai District..

4. The District Educational Officer
Thirupathur, Sivagangai District..

5. The Head Master,
Ramasamy Chetti Memorial School,
Natarajapuram,
Sivagangai District - 630 555..

... Respondents



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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 pertaining to the impugned order dated 14.06.2023 passed by the 3rd respondent and its consequential order dated 08.09.2023 passed by the 5th respondent vide proceedings Na.Ka.No. 0035/A/2023 and quash the same as illegal and consequently directing the respondents to provide suitable employment to petitioner on compassionate ground within a stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan,
For Respondent : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent, the writ petition itself is taken for final disposal.

2. Heard Mr.C.Senthil Murugan, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

3. The petitioner has filed an application seeking compassionate appointment in view of the death of her husband on 16.12.2019. Since



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the same was not considered, the petitioner is before this Court with this writ petition.

4. The petitioner's husband was working as BT Assistant in the 5th respondent School and he died in harness. The petitioner has sent an application to the 5th respondent school for compassionate appointment. However, the 5th respondent school has passed an order on 08.09.2023 stating that there is no vacancy available and hence, the petitioner cannot be appointed in the school. Earlier on 14.06.2023, when the application of the petitioner was forwarded to the third respondent, the third respondent has passed an order stating that granting compassionate appointment to the petitioner would be in the purview of the School Committee and hence, the Chief Educational Officer cannot pass any orders.

5. The 5th respondent school, instead of forwarding the application to the Government, has rejected the same on the ground that the student strength of the school does not permit any vacancy for Junior Assistant in order to accommodate the petitioner. In such case, the application ought



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to have been appraised by the authorities concerned and it is the authority, who has to pass orders on merits.

6. In view of the same, the writ petition is disposed of by directing the 5th respondent school to address the issue to the 3rd respondent and on receipt of the same, the third respondent shall pass orders in accordance with law and on its own merits. No costs.

20.06.2024

RR

TO
The Principal Secretary,
School Education Department,
Secretariat,
St. George Fort,
Chennai - 600 009..

2. The Director,
School Education Department,
Dpi Complex,, Chennai 600 006..

3. The Chief Educational Officer,
Sivagangai District..

4. The District Educational Officer
Thirupathur, Sivagangai District..

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R.N.MANJULA,J

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