



W.P.(MD)No.16033 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16033 of 2022

and

W.M.P(MD)No.11586 of 2022

V/Godwing Vinesh

... Petitioner

vs.

1.The Secretary to Government,
School Education Department,
St. George Fort,
Chennai.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.

4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the records



W.P.(MD)No.16033 of 2022

on the file of the fourth respondent pertaining to its order bearing Mu.mu.No.4327/A1/2017 dated 27.11.2018 and to quash the same and consequently direct the respondents to provide suitable employment on compassionate ground by considering the representation of the petitioner dated 19.10.2017 within a time frame that may be fixed by this Court.

For Petitioner :Mr.S.C.Herold Singh
For Respondents :Mr.T.Amjad Khan,
Government Advocate

ORDER

The petitioner has filed this writ petition challenging the order passed by the fourth respondent, dated 27.11.2018, rejecting the claim of the petitioner for compassionate appointment and to direct the respondents to provide suitable employment to the petitioner on compassionate ground by considering the representation of the petitioner dated 19.10.2017 within a stipulated time.

2. The petitioner's mother who was working as a Secondary Grade Teacher in a Government School died on 10.11.2004 while she was in service. The petitioner was a minor aged about eight years on the date



W.P.(MD)No.16033 of 2022

of death of his mother. Hence, his father made a representation on 19.12.2005 stating that since his son was a minor, application seeking compassionate appointment can be made after he attaining majority. After attaining the majority, the petitioner has made an application on 19.10.2017 seeking compassionate appointment. However, the same was rejected on the ground that the application was not filed within three years from the date of death of the Government employee. Hence, the writ petition.

3. Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents submitted that the application has been given after 13 years from the date of death of the Government employee and the period of limitation of three years has already lapsed.

4. There is no doubt that an application seeking appointment on compassionate grounds has to be filed within a period of three years from the date of death of the Government employee. However, in the instant case, since the petitioner was minor at the time of death of his mother, he



W.P.(MD)No.16033 of 2022

WEB COPY

could not file an application seeking appointment on compassionate grounds.

5. Though the limitation period prescribed to submit an application for appointment on compassionate grounds is three years from the date of death of the Government employee, there are certain instances, in which, the Rules can be relaxed at the discretion of the respondents themselves, taking into consideration the holistic view of the situation of the family at the time of death of the Government employee. The petitioner's case is also one such case. Even though, this Court cannot pass orders directing the respondents to provide an appointment to the petitioner on compassionate grounds, the respondents shall consider the application of the petitioner in a positive manner. It is only observed that the respondents shall re-look the circumstances of the petitioner's family at the time of the death of the petitioner's mother and pass orders afresh that it deems fit.



W.P.(MD)No.16033 of 2022

WEB COPY

6. In view of the above observations, the writ petition is **disposed of** and the fourth respondent is directed to re-look the circumstances of the petitioner's family at the time of the death of the petitioner's mother and pass orders afresh, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

PM

To

- 1.The Secretary to Government,
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W.P.(MD)No.16033 of 2022

R.N.MANJULA, J.

PM

W.P.(MD)No.16033 of 2022

06.06.2024