



WP(MD). No.15253 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/07/2024

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

**WP(MD). No.15253 of 2024
and WMP(MD) No.13369 of 2024**

Archana. R

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by the Secretary to Government,
School Education Department,
Secretariat, Chennai - 600009..

2. The Joint Director,
School Education (Employee Section),
Directorate of School Education,
College Road, Chennai..

3. The Chief Educational Officer,
Thoothukudi District,Thoothukudi..

4. The District Educational Officer,
(Elementary Education),
Kovilpatti, Thoothukudi District.

5.The Block Development Officer,
Kayathar,Thoothukudi District

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceeding of the 3rd



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respondent vide his order in Na.Ka.No. 6833/A1/2021 dated 12.09.2023 and quash the same as arbitrary and illegal and consequently to direct the respondents to appoint the petitioner on companionate ground in the suitable post, based on her educational qualification with the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Dinesh,
For Respondents : Mr.M.Siddharthan
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard Mr.K.Dinesh, learned counsel for the petitioner and Mr.M.Siddharthan, learned Special Government Pleader for the respondents.

3.The petitioner has filed this writ petition challenging the impugned proceeding of the 3rd respondent dated 12.09.2023 and to direct the respondents to appoint the petitioner on companionate ground in the suitable post, based on her educational qualification with the time limit that may be stipulated by this Court.

4. The petitioner, who is the daughter of the deceased Ravindran,



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has given an application to the respondents seeking compassionate appointment in view of the death of her father on 09.07.2022, while he was in service. The father of the petitioner is appointed as a Teacher in the respondent department and at the time of his death, he was working as a Headmaster at Vallinayagipuram panchayat Union Primary School. The petitioner, as a legal heir, has given an application to consider her for compassionate appointment. However, the said application was rejected stating that the petitioner's merit and her economical status does not deserve/permit her for compassionate appointment.

5. The learned counsel for the petitioner submitted that the petitioner had submitted her application as early as in the year 2014, however, her application has not been considered so far. After a stretch of nine years, now, the respondents have chosen to find out a reason for rejection stating that her husband is employed and that the petitioner is not eligible for compassionate appointment.

6. The learned counsel for the petitioner further submitted that without considering the indigent circumstances of the petitioner, the



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respondents have considered the entire family circumstances of the petitioner by keeping the petition pending for some years.

7. The very object of providing compassionate appointment is to ensure some economical viability for a family, which had lost its breadwinner suddenly. It is for the respondents to consider the holistic circumstances of the application and the family of the applicant in order to take a decision as to whether she would deserve an appointment on compassionate appointment. It is not fair on the part of the petitioner to expect that the respondents ought to have considered her individual circumstance and provided her appointment to empower herself individually.

8. Even if the petitioner is married and if her economical circumstances, inclusive of any income if earned by her husband, would show it will not save them from penury. If at the time of the death of the Government servant, the petitioner and her family were depending upon the income of the deceased, then, the petitioner may expect that her application could be considered favourably. The petitioner had got married subsequent to the death of her father and her husband is said to



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have been employed in Spice Jet airways. After making a thorough enquiry and by considering the economical status of the petitioner, the respondents had rejected the application by an elaborate speaking order. In fact, it has also been stated in the order that the petitioner has not stated anything about the earning of her husband. It is seen that the petitioner has preferred an appeal against the order of rejection, that has been made in the year 2020, to the 2nd respondent, which has also been rejected by way of the present impugned order. No person can claim a compassionate appointment as that of a legal entitlement or as a property, to which the legal heir is eligible by way of inheritance.

9. Since the impugned order has been passed only after making a thorough enquiry and assessing the family situation of the petitioner in a holistic fashion, I do not find any reason for interference. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

10.07.2024

RR

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TO

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R.N.MANJULA,J

RR

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