



**WP(MD). No.16509 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 24.07.2024**

**CORAM**

**THE HON'BLE Ms.JUSTICE R.N.MANJULA**

**WP(MD). No.16509 of 2024**  
**and WMP(MD) No.14293 of 2024**

E.Barathiraja

... Petitioner

Vs

1. The Director of School Education,  
DPI Campus, Chennai - 6.

2. The Joint Director of School,  
Education (Personnel), DPI Campus,  
Chennai - 6.

3. The Chief Educational Officer,  
Thanjavur District.

... Respondents

**PRAYER :-** Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order in O.Mu. No.8413/A1/2023, dated 19.02.2024 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.3



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to grant appointment to the petitioner in any suitable post under compassionate grounds in the light of the G.O. Ms. No.18 Labour and Employment (Q1) Department dated 23.01.2020 within the time period stipulated by this Court.

For Petitioner : Mr. T.Aswin Raja Simman

For Respondents : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. This Writ Petition has been filed challenging the impugned order in O.Mu. No.8413/A1/2023, dated 19.02.2024 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to grant appointment to the petitioner in any suitable post under compassionate grounds in the light of the G.O. Ms. No.18 Labour and Employment (Q1) Department, dated 23.01.2020.



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3. The petitioner's father, who was working as an Art Instructor at Government Higher Secondary School, Thirupurampiyam, Kumbakonam, Thanjavur District, died on 17.03.2014, while in harness. Pursuant to the death of petitioner's father, he has filed an application seeking compassionate appointment, which was rejected by the 3<sup>rd</sup> respondent stating that the mother of the petitioner is working in Anganwadi.

4.The learned counsel for the petitioner submitted that the petitioner's mother is temporarily engaged as a Noon-meal Organizer and hence, that will not deprive the petitioner from getting the benefit of compassionate appointment.

5.Attention was drawn to the guidelines issued by the Government in G.O. Ms. No.18 Labour and Employment (Q1) Department, dated 23.01.2020. One of the guidelines issued under the above Government Order would read as under :



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**“LEGAL HEIRS/NEAR RELATIVES OF THE DECEASED  
GOVERNMENT SERVANT/PERSON WHO ARE ELIGIBLE FOR  
COMPASSIONATE GROUND APPOINTMENT:**

(i)...

(ii)...

(iii)...

(iv)...

(v)...

(vi) *If any member of the deceased Government Servant's family is working on Temporary / Part time basis such as noon-meal organizer and helpers and those who work on daily wages, the other dependents of the family may be considered for providing appointment.”*

6.The above guideline has not been considered by the 3<sup>rd</sup> respondent before passing the impugned order. Since the impugned order has been passed without considering the relevant guidelines in an appropriate manner, I feel that the impugned order is liable to be set aside.

7.In view of the above, the impugned order of the 3<sup>rd</sup> respondent in O.Mu. No.8413/A1/2023, dated 19.02.2024 is set aside and the matter is remitted back to the 3<sup>rd</sup> respondent to consider the



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application of the petitioner afresh in the light of the above guidelines and pass orders afresh within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No  
Index : Yes/No  
PNM

To

1. The Director of School Education,  
DPI Campus, Chennai - 6.

2. The Joint Director of School,  
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3. The Chief Educational Officer,  
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**R.N.MANJULA, J.**

**PNM**

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