



W.P.(MD).No.18510 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18510 of 2024

and

W.M.P.(MD)No.15725 of 2024

Keerthiga

Vs

...Petitioner

1.The District Collector,
Dindigul Collectorate,
Dindigul District.

2.The Tahsildar,
Office of the Tahsildar,
Dindigul East,
Dindigul District.

3.The District Educational Officer,
Office of the District Educational Officer,
Dindigul District.

4.The Block Educational Officer,
Office of the Block Educational Office,
Sanarpatti,
Dindigul District.

... Respondents



W.P.(MD).No.18510 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 pertaining to the impugned order in Na.Ka.No. 3143/2019/A1 dated 10.09.2019 and the consequential impugned order in Oo.Mu.No.3553/2022/A1 dated 30.05.2022 and the consequential impugned order in Oo.Mu.No.6561/2022/A1 dated 22.11.2023 on the file of the second respondent and quash the same as illegal and consequentially for a direction directing the respondent Nos.1 and 2 to provide the Integrated Certificate for Compassionate Ground appointment to the petitioner and to direct the respondent Nos.3 and 4 to provide appointment to the petitioner on compassionate grounds in any suitable post commensurate with her educational qualifications within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.T.Aswin Rajasimman, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

2. This Writ Petition has been filed seeking to quash the orders dated 10.09.2019 and the consequential orders dated 30.05.2022 and



W.P.(MD).No.18510 of 2024

22.11.2023 and consequently directing the respondents 1 and 2 to provide the Integrated Certificate for Compassionate Ground appointment to the petitioner and to direct the respondent 3 and 4 to provide appointment to the petitioner on compassionate grounds in any suitable post commensurate with her educational qualification.

3. The petitioner has applied for compassionate appointment, in view of the death of her mother viz., Vimali Josephine Beaula, who has been working as Secondary Grade Teacher and who died on 15.11.2016, while in harness. When the petitioner filed the application seeking compassionate appointment, the same has been rejected by stating the reason that the petitioner is not in indigent circumstances and she is in receipt of family pension of both her father and mother.

4. The learned counsel for the petitioner submitted that the petitioner has crossed the age of 25 years and she is not eligible to get the family pension of either father or mother. He further stated that the father had divorced her mother even during her life time and subsequently the petitioner was under the care and custody of mother only.



W.P.(MD).No.18510 of 2024

5. Even though the case for maintenance has been filed for seeking maintenance for then minor child, it is needless to state that in such case, the petitioner may not be able to get neither the family pension nor the maintenance amount ordered by the Court.

6. Once the petitioner could establish that the father has divorced her mother and she was under the custody of her mother, then there are reasons to consider the indigent circumstances of the petitioner in a comprehensive manner. However, in the impugned order, short sighted findings have been recorded that the petitioner is in receipt of family pension of both of her parents and hence she does not deserve appointment under compassionate ground. The petitioner has stated that she has only one elder brother and he also married and settled as a separate family. Even for the sake of arguments, if the petitioner is in the receipt of any of the terminal benefits of her parents, that cannot be the reason to consider the indigent circumstances of the individual.

7. In view of the above stated facts and also in view of the short sighted appreciation as regards the indigent circumstances of the petitioner, I feel the impugned orders are liable to be set aside.



W.P.(MD).No.18510 of 2024

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8. In view of the same, this Writ Petition is **disposed of** and the impugned orders in Na.Ka.No.3143/2019/A1 dated 10.09.2019 and the consequential impugned order in Oo.Mu.No.3553/2022/A1 dated 30.05.2022 and the consequential impugned order in Oo.Mu.No. 6561/2022/A1 dated 22.11.2023 are set aside. Considering the indigent circumstances of the petitioner, the second respondent is directed to give integrated certificate, after properly analyzing the petitioner's circumstances and in the event of the second respondent is issuing the integrated certificate, the third and fourth respondents shall consider it positively and pass orders within a period of six weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.18510 of 2024

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W.P.(MD).No.18510 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.18510 of 2024

02.08.2024