



W.A(MD)No.710 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.710 of 2024
and
CMP(MD)No.5330 of 2024**

1. The Chief Educational Officer (CEO),
Ramanthapuram District,
Ramanthapuram - 623 528.

2. The Head Master,
S.S.A.M. Government Higher Secondary School,
Thiruppullani - 623 532,
Ramanathapuram District.

... Appellants

vs.

S.Tamilarasi

... Respondent

Prayer : Appeals filed under Clause 15 of the Letters Patent, against the orders dated 13.09.2022 made in W.P(MD)No.12064 of 2022.

For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader
For R1 : Mr.D.Selvanayagam



JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This appeal has been directed against the order passed by the Writ Court, dated 13.09.2022, made in W.P(MD)No.12064 of 2024.

2. That the respondent sought for compassionate appointment in view of the death of her brother one Sundara Moorthy, who was working as P.G Teacher in Thiruppullani Government Higher Secondary School and died in harness on 11.03.2018. The said application earlier had been rejected, by citing G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, stating that the respondent, who was the applicant, is not the legal heir, as she was only the sister of the deceased employee, she was not entitled to get such compassionate appointment.

3. When that was questioned, already an order has been passed by this Court in earlier occasion, rejecting the said ground raised by the department, for rejecting the application submitted by the respondent/petitioner and the matter has been remanded back for re-consideration.



W.A(MD)No.710 of 2024

4. Even during the re-consideration process, once again, through the order dated 19.04.2022, the appellant department has rejected the claim of compassionate appointment of the respondent, by citing the very same reason.

5. Therefore, when that rejection order dated 19.04.2022 was questioned in the said writ petition, the learned Judge, who heard the matter, having taken note of the fact that earlier, the very same reason cited by the appellant department since has been considered, was rejected and the matter was remanded, once again, without application of mind, the very same reason since has been given in rejecting the same, to pass an order on 19.04.2022, the said order cannot be sustained. Therefore, on that ground itself, the learned Judge was pleased to allow the said writ petition, through the order impugned dated 13.09.2022.

6. Even though attempt has been made by the learned Additional Government Pleader appearing for the appellants to successfully assail the order of the learned Judge dated 13.09.2022, we are not impressed with the said submission made by the learned Additional Government Pleader, for the simple reason that, the very same reason since has already been considered and rejected by the Court, the appellant department is not expected to state the very



W.A(MD)No.710 of 2024

same reason once again, which is under total non application of mind.

Therefore, there has been every justification on the part of the Writ Court in allowing the said writ petition, by setting aside the rejection order dated 19.04.2022. Therefore, in the said order which is impugned herein, passed by the Writ Court, we do not find any reason to interfere. Hence, the Writ Appeal fails. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(G.A.M., J.)

10.04.2024

Index : Yes / No
Neutral Citation : Yes / No
bala

To

1. The Chief Educational Officer (CEO),
Ramanthapuram District,
Ramanthapuram - 623 528.

2. The Head Master,
S.S.A.M. Government Higher Secondary School,
Thiruppullani - 623 532,
Ramanathapuram District.



WEB COPY



W.A(MD)No.710 of 2024

R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

bala

W.A(MD)No.710 of 2024

10.04.2024