



W.P.(MD)No.29626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.29626 of 2023

R.A.Asna

... Petitioner

vs.

1.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

2.The District Educational Officer,
Kuzhithurai,
At Marthandam,
Kanyakumari District.

3.The Corporate Manager,
Kanyakumari CSI Diocese,
Nagercoil,
Kanyakumari District.

4.The Correspondent,
LMS Girls Higher Secondary School,
Marthandam, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide the petitioner with an employment on compassionate grounds in any one of the vacancies available in the Schools coming under the control of the



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third respondent by considering the petitioner's representation dated 02.09.2023 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Aayiramk.Selvakumar

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 and R2

Mr.F.Deepak for R3 and R4

ORDER

Heard Mr.Aayiramk.Selvakumar, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.F.Deepak, learned counsel for the respondents 3 and 4.

2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the respondents to provide her with an employment on compassionate grounds in any one of the vacancies available in the Schools coming under the control of the third respondent by considering her representation dated 02.09.2023 within a stipulated time.



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3. The petitioner's mother who worked as a Music Teacher in the fourth respondent School died on 14.07.2015 while in service. The petitioner was a minor at the time when her mother died. Hence, her father has made an application to the respondents on 05.09.2016 seeking compassionate appointment on behalf of the petitioner. Subsequently, on 29.09.2018, the petitioner has made an application to the respondents in this regard. Since the application of the petitioner was not considered, she filed a writ petition before this Court in W.P.(MD)No.16653 of 2019, wherein, this Court by order dated 21.08.2019 passed the following orders.

"4.Considering the facts and circumstances of the case and in view of the submissions made on either side, without expressing any opinion on the merits of the case, this Court is inclined to pass the following directions:

i) the third respondent is directed to consider the representation of the petitioner's father dated 05.09.2016, and pass appropriate orders on merits and in accordance with prevailing Government Orders and after considering the same, if it is found that the petitioner is eligible for appointment on compassionate ground, a proposal shall be sent to the second



respondent;

ii) on receipt of such proposal, the second respondent is directed to consider the such proposal and pass appropriate orders on merits and in accordance with prevailing Government Orders, as expeditiously as possible, if any such proposal is forwarded by the third respondent; and

iii) while considering such representation dated 05.09.2016, if it is found that the petitioner is not eligible for appointment on compassionate ground, the same shall be communicated to the petitioner as expeditiously as possible."

4. Since the said orders were not complied, the petitioner filed a Contempt Petition in Cont.P.(MD)No.183 of 2022, wherein, it was undertaken by the third respondent that the petitioner will be accommodated when a vacancy arises and on the above representation, the petitioner did not pursue the Contempt Petition and the same was closed. But, thereafter also, the petitioner was not given with the appointment and hence, she has filed this writ petition seeking a direction the respondents to honour their undertaking given during the contempt proceedings.



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5. In view of the above, the writ petition is **disposed of** and the third respondent is directed to comply the earlier orders of this Court dated 21.08.2019. However, the petitioner is also at liberty to file a second contempt application in view of the directions already obtained in this regard. No costs.

10.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 2.The District Educational Officer,
Kuzhithurai,
At Marthandam,
Kanyakumari District.



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R.N.MANJULA, J.

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