



W.P. No. 376 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

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

W.P. No. 376 of 2019

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... Petitioner

-VS-

1. The Director of School Education
DPI Campus, College Road
Chennai – 600006.

2. The District Educational Officer
Nagapattinam District
Nagapattinam.

3. The Assistant Elementary Educational Officer
Nagapattinam District
Nagapattinam.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of 3rd respondent in Mu.Mu.No.4558/A1/2017 dated 28.08.2017 and to quash the same and consequently, directing the respondents to reconsider the claim of the petitioner for appointment on compassionate grounds based on the qualification acquired by the petitioner within a time frame to be fixed by this Court.



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For Petitioner : Mr.S.Nedunchezhiyan

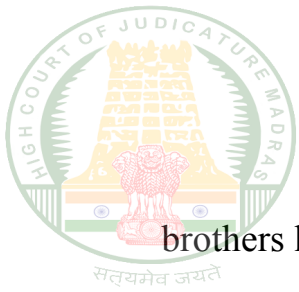
For Respondents : Mrs.P.Rajarajeswari, GA

ORDER

This writ petition has been filed to call for the records relating to the proceeding of third respondent in Mu.Mu.No.4558/ A1/2017 dated 28.08.2017 and to quash the same and consequently to direct the respondents to reconsider the claim of the petitioner for appointment on compassionate grounds based on the qualification acquired by the petitioner within a time frame to be fixed by this Court.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mrs.P.Rajarajeswari, learned Government Advocate for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner's father, viz., Thiru.Soma Pakkirisamy, who was employed as a Secondary Grade Teacher in Panchayat Union Middle School, Elankadambanur, Nagapattinam, suddenly expired on 17.06.2022. The petitioner and his mother were dependent on his father and his two elder



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brothers have left the family even before the demise of his father. The petitioner

has also got unmarried sister. It is submitted by the learned counsel for the petitioner that despite difficult economic condition of the petitioner's family, the petitioner's application seeking appointment on compassionate ground has been rejected by stating that the petitioner is not eligible to get the same.

4. On perusal of the impugned order dated 28.08.2017, it is stated that in the full fledged interview conducted on the application submitted by the petitioner, the respondents came to know that the petitioner is not eligible to get appointment on compassionate grounds as per the rules. The impugned order has been passed in a generalized manner and it has not stated any particular reason as to why the petitioner is not eligible for appointment on compassionate ground within the rules.

5. In the counter affidavit filed by the third respondent, it is stated that the petitioner's sisters have already got married and they are living with their husband and his two brothers are employed. So, only on this observation, it is stated that the petitioner did not come under the purview of indigent circumstances affecting the family. In fact, the petitioner has got the Certificate from the Tahsildar, Nagapattinam, which states that two brothers of the



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petitioner are living as a separate family since they are employed. Even though some of the members of the family of the deceased employee are employed, they live as a separate family and on whom the rest of the dependents of the deceased employee are not dependent now. Hence, the situation ought to have been considered positively. In fact, at the time when the petitioner's father died, only two of his children got married. Since the sisters of the petitioner are married and they live as a separate family, the petitioner and his mother cannot depend on them. As the petitioner's two brothers have also been living as a separate family, the petitioner and his mother are not dependent on them. Under such circumstances, the second respondent ought to have considered the certificate given by the Tahsildar, Nagapattinam about the family circumstances of the petitioner and passed orders accordingly. As the second respondent has not considered the petitioner's application in a holistic manner, I feel appropriate orders need be passed.

6. In view of the same, this writ petition is allowed. The proceeding of the third respondent in Mu.Mu.No.4558/ A1/2017 dated 28.08.2017 is set aside and the second respondent is directed to reconsider the claim of the petitioner afresh in the light of the certificate given by the Tahsildar, Nagapattinam about the family circumstances of the petitioner and pass appropriate orders on merits



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within a period of four weeks from the date of receipt of the copy of this order.

WEB NO. No costs.

30.04.2025

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Director of School Education
DPI Campus, College Road
Chennai – 600006.
2. The District Educational Officer
Nagapattinam District
Nagapattinam.
3. The Assistant Elementary Educational Officer
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R.N.MANJULA, J.

Maya

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