



W.P.No.20345 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 27.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.20345 of 2010

and

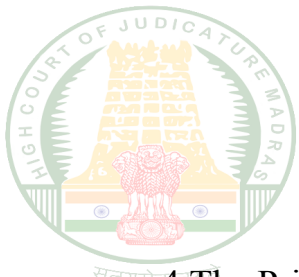
M.P.Nos.1 and 2 of 2010

M.Marieamma @ Kuzhandai Thersal

... Petitioner

Vs.

- 1.The Union Territory of Puducherry,
Rep by the Secretary to Government,
Education Department,
Chief Secretariat,
Government of Puducherry,
Puducherry.
- 2.The Director of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Nellithope (P.O)
Puducherry – 605 605.
- 3.The Senior Accounts Officer,
Grant-in-Aid Section,
O/o.The Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Nellithope (P.O), Puducherry – 605 605.



W.P.No.20345 of 2010

4. The Principal,
St.Mary's Higher Secondary School,
Karaikal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for all relevant records relating to the Impugned Rejection Order issued in Proceedings No.28304/DSE/GIAS/U.III/2005/PF dated 28.10.2009 passed by the 2nd respondent herein and quash the same as arbitrary, unreasonable, improper, illegal, against the established rules and regulations of the respondents and violating to the fundamental rights guaranteed that under the Constitution of India and thereby directing the respondents herein to appoint the petitioner in any one of the appropriate post in regular basis on compassionate grounds under the 4th respondent school immediately without further delay with all consequential monetary and other service benefits.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mr.Syed Mustafa
Government Advocate (P)
for R1 to R3
Ms.H.Mary Sowmi Rexi
for R4

ORDER

The claim of the petitioner in this Writ Petition is for compassionate appointment. At the time of filing of this Writ Petition, the petitioner was aged



W.P.No.20345 of 2010

about 48 years and now she is 63 years old. In the light of the same, the

question of appointing the petitioner on compassionate grounds in the 4th respondent school at this stage does not arise. Be that as it may, this Court is inclined to examine the facts of the case as well.

2. The husband of the petitioner while working in the 4th respondent school as a permanent Watchman died during the year 2002. It was thereafter, the petitioner approached the 4th respondent school and accordingly she was accommodated as a Sanitary Assistant and continued as such till the year 2008. At that stage, the petitioner's service were discontinued on the ground that no prior approval from the 2nd respondent was obtained before appointing the petitioner. The 4th respondent herein is an aided school.

3. It was at that stage, the petitioner approached this Court by filing the Writ Petition in W.P.No.14045 of 2009 seeking a direction to the respondents to appoint the petitioner in any of the appropriate post on regular basis on compassionate grounds in the 4th respondent school. The said Writ Petition was disposed of by this Court vide order dated 23.07.2009 directing the respondents to consider the case of the petitioner. Accordingly, the 2nd respondent herein



W.P.No.20345 of 2010

passed the impugned order dated 28.10.2009 rejecting the claim of the petitioner on the ground that there was no post available for appointing the petitioner and there were number of people working on consolidated basis from the year 1984 onwards against a single vacancy of Sanitary Assistant to be filled up by direct recruitment. Thus, the reason for rejecting the claim of the petitioner by passing the impugned order is non-availability of vacancy.

4. In addition to the same, the question of considering the claim of the petitioner for compassionate appointment at this point of time, especially when the petitioner is 63 years old, does not arise.

5. In the light of the above, this Court is not inclined to interfere with the impugned order passed by the 2nd respondent. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.06.2025

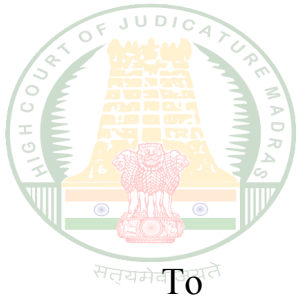
Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

jas



W.P.No.20345 of 2010

To
WEB COPY

- 1.The Secretary to Government,
Union Territory of Puducherry,
Education Department,
Chief Secretariat,
Government of Puducherry,
Puducherry.
- 2.The Director of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Nellithope (P.O)
Puducherry – 605 605.
- 3.The Senior Accounts Officer,
Grant-in-Aid Section,
O/o.The Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Nellithope (P.O), Puducherry – 605 605.
- 4.The Principal,
St.Mary's Higher Secondary School,
Karaikal.



WEB COPY



W.P.No.20345 of 2010

MUMMINENI SUDHEER KUMAR, J.

jas

W.P.No.20345 of 2010
and
M.P.Nos.1 and 2 of 2010

27.06.2025