



W.P.No.17658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.17658 of 2023

S.Arularasi

...Petitioner

VS.

- 1 The Additional Chief Secretary to Government,
School Education Department,
Fort St.George, Chennai-09.
2. The District Educational Officer,
No.306, 3rd Floor,
Shevapet, (Near Old Bus Stand),
Salem 636 002.
3. The Chief Educational Officer,
No.301, Collectorate Campus,
Salem 636 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondent authorities to appoint the petitioner in the suitable job based on her qualification by disposing of her application/representation dated 27.03.2023 made on compassionate ground within a time may be stipulated by this Court.

For Petitioner : M/s.V.Ranjitha



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For Respondents : Mr.T.M.Rajangam
Govt.Advocate.

ORDER

The present writ petition has been filed for issuance of a writ of Mandamus directing the respondent authorities to appoint the petitioner in the suitable job based on her qualification by disposing of her representation dated 27.03.2023.

2. The case of the petitioner is that the petitioner's father who was working as Secondary Grade Teacher in Primary School, Yercaud in the year 1987. Subsequently, he got promoted and died while he was in service as a Head Master in Panchayat Union Primary School, Vazhakomma Village, Gengavalli Taluk, Salem District. Further, the petitioner married with one Jayaprakash in the year 2019 and got separated due to difference of opinion and she is living with her mother and younger brother. Further, the petitioner had completed B.Sc., B.Ed., and she was also obtained PG Degree in M.Sc., Nano Science. At the time of death of her father was aged about 55 years and he died leaving behind herself, her mother and one younger brother. Due to sudden death of her family, they



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are unable to manage the family. Thereafter, the petitioner had made a representation dated 27.03.2023 to the respondents authority seeking an appointment based on her qualification on compassionate ground and the same was received on 30.03.2023. Since no action has been taken till date, the petitioner has filed the present writ petitioner before this Court.

3. The learned Government Advocate appearing for the respondents drawn attention of this Court in paragraph -5 of the counter affidavit filed by the second respondent on 27.12.2023, in which, it is stated as follows:-

With regard to the averments made in paragraph 4 of the affidavit, it is humbly submitted that the third respondent informed the petitioner vide his proceedings O.Mu.No.04582/B1/2023 dated 03.04.2023 to submit the proposals, seeking appointment on compassionate grounds, as per G.O.Ms.No.18, Labour and Employment(Q1) Department dated 23.01.2020. For the reasons best known only to her, the petitioner had not responded to the proceedings with any new proposal till date. One could see a series of omissions and commissions on the part of the petitioner right from the genesis of the issue. The respondents were always ready to consider a new proposal in proper light but the petitioner did not heed to the intimation and chose not to pursue the issue any further and has ended up in blaming the respondents by preferring this instant writ petition. The petitioner is not justified in taking convenient



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stand as and when it suits her whimsical positions. Further, the petitioner stated that she has completed M.Sc., B.Ed., and she has to be appointed on compassionate grounds in the suitable job based on her qualification, G.O.Ms.No.61, Labour and Employment Department dated 19.07.2006 is categorical in 2(i) as it states:-

“ Compassionate ground appointments shall be made to the posts in 'C' and 'D' groups”.

G.O.Ms.No.42, Labour an Employment (Q1) Department dated 12.03.2007 is also categorical in para (4) as it states:-

“ appointments on compassionate grounds are made in 'C' and 'D' Groups only. Neither the qualification of the applicant nor the post held by the deceased employee is relevant. Appointment to the posts in 'B' Group cannot be made as laid down by the Supreme Court. The appointing authority shall, however, consider if the dependent of the deceased employee wishes to accept employment in 'C' Group and if otherwise eligible. Pending applications seeking compassionate appointments under 'B' Group be disposed off accordingly”.

Hence, the request of the petitioner cannot be considered and this instant application deserves to be dismissed.

4. The learned Government Advocate appearing for the respondents submitted that the respondents are always ready to consider the representation of the petitioner but the petitioner has not made



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representation and shows no interest to pursue the same. However, he further that the representation of the petitioner dated 27.03.2023 is not considered till date.

5. Heard the learned counsel for the petitioner and the leaned Government Advocate appearing for the respondents and also perused the materials available on record.

6. In view of the above submissions made by the learned counsel appearing for the petitioner, the petitioner is directed to submit a fresh application/representation to the second respondent by enclosing the relevant documents within a period of three weeks from the date of receipt of a copy of this order. On such receipt of the same, the second respondent shall consider the same on merits, in accordance with law, and pass appropriate orders, within a period of six weeks thereafter.

J.SATHYA NARAYANA PRASAD, J.

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WEB COPY 7. In the result, the writ petition is disposed of with the above observation and direction. No costs.

07.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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