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WP No. 17864 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

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THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No. 17864 of 2019

T.Pachaiveni

Petitioner(s)

Vs

Krishnagiri District Educational Officer,
Krishnagiri.

Respondent(s)

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the respondent herein in DMN 1551/ A1/ 2016 dated 30.9.2016 communicated to the petitioner on 19.2.2018, quash the same and consequently direct the respondent to appoint the petitioner as Junior Assistant or any other post commensurate with the educational qualification of the petitioner on compassionate ground.

For Petitioner(s): Mrs.R. Pavithara for
Mr.Dakshayani Reddy

For Respondent(s): M/s A. Bakkiyalakshmi, GA

ORDER

The writ petition on hand is filed to call for the records of the respondent herein in DMN 1551/ A1/ 2016 dated 30.9.2016, communicated to the petitioner on 19.2.2018, to quash the same and consequently direct the respondent to appoint the petitioner as Junior Assistant or any other post commensurate with



the educational qualification of the petitioner on compassionate ground.

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2. Heard learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the records.

3. The case of the petitioner in brief is that her father was working as a Physical Education Teacher in Government Higher Secondary School, Barur and had died in harness on 04.08.2007, leaving behind the wife (the petitioner's mother) and three daughters including the petitioner.

4. It is the further case of the petitioner that since her father passed away on August 4, 2007, while in service, being eligible for compassionate appointment, she had approached the respondent and submitted a representation/application dated December 17, 2009, for being appointed to a suitable post in the school on compassionate grounds; that she had submitted all necessary documents, including her legal heirs certificate, her father's death certificate, and her educational certificates, within a period of three years of her father's death; and that the respondent, however, failed to provide her with a compassionate appointment. The learned counsel for the petitioner thus contends that the action of the respondent is highly illegal, arbitrary, and in violation of the relevant rules and scheme.



5.The counter-affidavit and a subsequent additional counter-affidavit on behalf of the respondent is filed. In the additional counter affidavit, the learned counsel for the respondent contended that the representation/application of the petitioner seeking compassionate appointment, stated to have been submitted on December 17, 2009, was never entered into the Register maintained by the respondent School on that date. The register only records one application received on that day from a Graduate teacher requesting medical leave, as such, the petitioner cannot claim that the respondent failed to consider an application, submitted within the three-year period from the date of the employee's death, for being provided with the compassionate appointment.

6.The respondent further contended in the counter-affidavit that the petitioner submitted her application for compassionate appointment only in September 2016, enclosing therewith a No-Objection Certificate from her elder siblings. As the application was submitted beyond the three-year period from the date of the deceased employee's death, it was rejected by the respondent vide proceedings dated September 30, 2016.

7.The respondent further contended that the petitioner was informed of the rejection of her compassionate appointment claim on September 30, 2016



and she remained silent, until she filed a petition under the RTI Act on February 12, 2018, once again seeking information as to why the process for compassionate appointment had not been initiated; and that in response, the respondent furnished information on February 19, 2018, confirming the prior rejection of her claim vide proceedings dated September 30, 2016.

8.The learned counsel for the respondent further contended that since, the petitioner did not approach the authorities for compassionate appointment at the relevant time, specifically, within the time period prescribed under the government orders/rules ie., within a period of three years from the date of death of the deceased employee, the petitioner is not entitled for compassionate appointment now, also because she has exceeded the maximum age limit for appointment in a Government School.

9.I have taken note of the respective contentions urged.

10.At the outset, it is to be noted that the provision of compassionate appointment is not a matter of right but is only to enable the family of the Government Servant to tide over an immediate crisis which had resulted on account of death of the only bread winner of the family. This principle has been consistently held by the Hon'ble Apex Court, including in the case of *Union of*



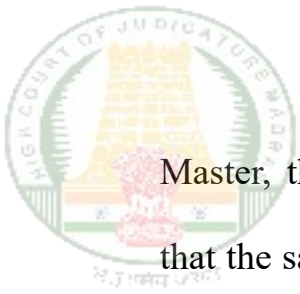
India v. Amrita Sinha, reported in ***(2021) 20 SCC 695***.

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11. Further, it is also to be noted that the claim for compassionate appointment must be decided only on the basis of the relevant scheme or the rules prevalent on the date of the demise of the employee. This legal position was affirmed by the Hon'ble Supreme Court, in the case of ***State of Madhya Pradesh v. Amit Shrivastav***, reported in ***(2020) 10 SCC 496***.

11. The petitioner in the present case is seeking a compassionate appointment on account of the death of her father, who was employed as a physical education teacher at the Government School, Barur. The relevant rules and Government Orders in force at that point in time prescribed that an application for compassionate appointment was required to be made within three years of the deceased employee's death. Further, the application need to be enclosed with all relevant documents, including a 'No Objection Certificate' (NOC) from any siblings. The petitioner, therefore, ought to have submitted her application enclosing the 'NOC' from her other two siblings on or before August 3, 2010.

12. Though the petitioner had claimed of having submitted an application on December 17, 2009, to the District Education Officer through the Head



Master, the respondents having denied of receiving any such application and that the said application was not found entered in the register maintained by the concerned school, notwithstanding the aforesaid disputed question of fact, a perusal of the application that was submitted by the petitioner would also show that she did not enclose the no objection certificate (NOC) from her siblings at the time of submission of her application for compassionate appointment. Consequently, the petitioner cannot claim to have submitted an application complete in all respects, or that the authorities improperly failed to consider a valid application.

13.Further, it is also to be noted that if only the petitioner had genuinely submitted her application in the year 2009 seeking compassionate appointment after the sudden demise of her father, which allegedly pushed the family into a crisis, she would not have remained silent until September 2016. When she submitted a subsequent application to the respondent authorities enclosing the NOC from her siblings for the first time. Furthermore, she remained silent even after receiving a response from the respondents vide letter dated September 30, 2016, by which her claim was rejected and taking no further action until she finally approached this Court by filing the present writ petition.

14.Since, the scheme of compassionate appointment of the respondent at



the relevant point of time provided that an application complete in all respects, must be made within a period of three years from the date of the employee's death, and the petitioner admittedly failed to submit a complete application within that timeframe, this Court is of the view that the petitioner cannot approach the respondent authority after a lapse of a decade from the date of her father's death seeking compassionate appointment. Consequently, she cannot now approach this Court challenging the action of the respondent in rejecting her claim for providing with compassionate appointment.

15. Thus, this Court is of the view that the present writ petition as filed is devoid of merit and accordingly, stands dismissed. There shall be no order as to costs.

Sha

11-12-2025

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

To

Krishnagiri District Educational
Officer,
Krishnagiri.



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T.VINOD KUMAR J.

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