



W.A.(MD)No.922 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.922 of 2020
and
C.M.P.(MD)No.5035 of 2020**

1.The Joint Director of School Education,
Employees Division,
D.P.I. College Road,
Chennai - 6.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The District Educational Officer,
Dindigul District,
Dindigul.

... Appellants

Vs.

C.Kavitha

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.2574 of 2016 dated 28.05.2020 on the file of this Court.



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For Appellants : Mr.C.Venkateshkumar,
Spl. Government Pleader.

For Respondent : No appearance

JUDGMENT
(By G.R.SWAMINATHAN, J.)

The department is on appeal challenging the order dated 28.05.2020 passed by the learned Single Judge allowing W.P.(MD)No.2574 of 2016 filed by the respondent herein.

2.The respondent has been served and her name is printed in the cause list. But she has not chosen to enter appearance either in person or through counsel.

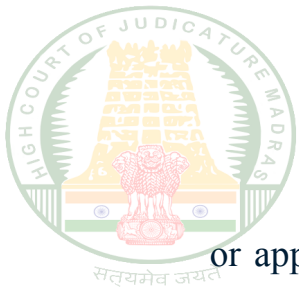
3.The respondent's father / Chinnaswamy joined the education department as Secondary Grade Teacher. He passed away while in service on 28.01.1994. The writ petitioner applied to the department seeking appointment on compassionate grounds within time ie., on 28.08.1995 itself. Interestingly, the request came to be rejected much later. It was put to challenge in W.P.(MD)No.5314 of 2009. The writ



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petition was allowed and the matter was remitted to the file of the appellants herein. Subsequently, vide order dated 26.08.2013, the writ petitioner's request was rejected citing the very same reason. Questioning the same, W.P.(MD)No.2574 of 2016 was filed. The reason set out in the rejection order was that the writ petitioner got married and hence, she was not eligible to be appointed on compassionate grounds. The learned Single Judge rightly held that this reason is patently unsustainable.

4.However, we are inclined to allow this writ appeal on a different ground altogether. The writ petitioner's father had passed away in the year 1994. We are now in 2025. More than 31 years have elapsed. The writ petitioner must be aged around 52 years. We acknowledge that the writ petitioner had been dealt with unfairly. Her father had passed away while in service, the application was submitted in time; she must have been granted compassionate appointment when her turn came. By citing her martial status, her request was rejected. When the rejection order was set aside by this Court and the matter was remitted back, once again on the very same ground, her request was negated. We cannot appreciate



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or approve the manner in which the department has considered the writ petitioner's request. Be that as it may, due to sheer lapse of time, we are constrained to interfere. The order of the learned Single Judge is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
11.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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