



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A(MD)No.25 of 2021

and

C.M.P(MD)No.115 of 2021

- 1.The Director,
Directorate of School Education,
Chennai – 600 006.
- 2.The District Educational Officer,
Nagercoil,
Kanyakumari District.
- 3.The Headmaster,
Sethulakshmibai (SLB) Government
Higher Secondary School,
Nagercoil,
Kanyakumari District.

... Appellants /
Respondents

Vs.

E.Thirumalairajan

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act pleased to set aside the order dated 29.06.2020 passed in W.P(MD)No.1593 of 2016.



For Appellants : Mr.V.Om Prakash
Government Advocate

For Respondent : Mr.J.Jawahar

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.One Muthammal who was working as Sanitary worker in Sethulakshmibai (SLB) Government Higher Secondary School passed away while in service on 09.12.2000. The writ petitioner/her son applied for appointment on compassionate ground. It was rejected by District Educational Officer, Nagercoil vide order dated 13.10.2015. Challenging the same, the writ petitioner filed W.P(MD)No.1593 of 2016. The writ petition was allowed by the learned Single Judge vide order dated 29.06.2020. Aggrieved by the same, the Department has filed this Writ Appeal.



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3.The question that calls for consideration is whether the order passed by the learned single Judge is sustainable.

4.It is not in dispute that Ramu, the other son of the deceased Muthammal obtained employment in Transport Corporation in the year 1994 itself. Two daughters born to Muthammal had already been married and settled by the time she passed away. The petitioner is the younger son. Compassionate appointment cannot be considered as a source of recruitment. Appointment on compassionate ground is made only to help the family to tide over its financial crisis. In any event, considering the fact that the elder son was already employed and other two daughters had been given in marriage, we are of the view that this is not a case in which appointment on compassionate ground can be made. The request was rightly rejected by the District Educational Officer, Nagercoil. The learned Single Judge failed to take into consideration the relevant parameters. The order impugned in this Writ Appeal is set aside. Rejection order passed by the District Educational Officer, Nagercoil is sustained.



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5.This Writ Appeal is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.P., J.]
27.01.2025

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