

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1797 of 2026

D.R.Velan

... Appellant

-VS-

1. The State of Tamil Nadu
Secretary to Government,
School Education Department,
Secretariat, Chennai-09.
2. The Director of School Education
College Road, Chennai - 06.
3. The Chief Educational Officer
Cuddalore District.
4. The District Educational Officer
Cuddalore District.
5. The Assistant Elementary Officer
Kurinchipadi, Cuddalore District.

... Respondents

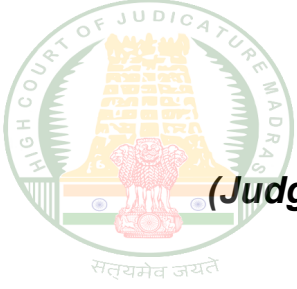
Prayer: To set aside the order passed in W.P.No.6636 of 2023 dated 20.04.2023 and allow the above writ appeal.

For Appellant:

Mr.V.R.Kamalanathan

For Respondents:

Dr.R.Gouri,
Govt. Counsel for R1 to R5



J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam,J.)

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Under assail is Writ Order dated 20.04.2023 passed in W.P.No.6636 of 2023. Writ Petitioner is the Appellant before this Court.

2. Father of appellant late D.Ramanujayam served as Teacher in Panchayat Union Primary School, Thimmaravuthan Kuppam, Cuddalore District and died on 16.06.1992, while he was in service. Mother of petition initially submitted an application after a lapse of about five years from the date of death of employee on 24.03.1997, seeking appointment on compassionate ground. The said application was not considered on the ground that all requisite documents had not been filed before competent authority. Since documents were not filed and wife of the deceased employee had not pursued the application, it was rejected on 19.08.2008, by the District Elementary Educational Officer. Reason stated for rejection is that the application was filed after a lapse of 15 years and after children got married, except Writ Petitioner, who is the last son of the deceased employee. That apart, the eldest legal heir had not submitted application seeking appointment. Considering the family situation in the context of indigenous circumstances, application was rejected vide proceedings dated 19.08.2008.



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3. The said rejection order came to be challenged in W.P.No.30506 of 2002. However, the said Writ Petition was withdrawn by Writ Petitioners. After withdrawal of Writ Petition, Writ Petitioner had attained the age of majority and submitted further application seeking appointment on compassionate ground in the year 2022. Since the 2nd application was not considered, W.P.No.6636 of 2023 was filed, seeking direction to the respondents to consider the petitioner's representation dated 10.10.2022 for providing employment on compassionate ground.

4. On facts, 2nd application submitted by Writ Petitioner after attaining the age of majority and after a lapse of 30 years from the date of death of employee is not maintainable. Secondly, 1st application submitted by mother of appellant was rejected in the year 2008 and Writ Petition filed challenging the rejection order was withdrawn. Therefore, Scheme of compassionate appointment cannot be expanded.

5. Claim of appointment on compassionate ground is a concession and not vested right. Scheme being violative of Article 14 and 16 of the Constitution of India is to be implemented scrupulously in accordance with terms and conditions stipulated. The object of compassionate appointment is to mitigate the circumstances arising on account of sudden death of an employee and not to provide one



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employment to a legal heir of deceased employee. Appointments to the Public posts are to be made under Constitutional Scheme and by following recruitment Rules in force. Equal opportunity in public employment is a Constitutional mandate. Lakh and Lakh of meritorious youth of our great Nation are aspiring to secure public employment through Open Competitive Process and in the event of violating Constitutional Scheme of compassionate appointment, rights of those eligible and meritorious candidates would be infringed. Thus, this Court is of the considered view that Scheme of compassionate appointment is to be expanded only to deserving families only after ascertaining penurious circumstances, which is a mandatory requirement for providing appointment on compassionate ground.

6. High Court may not issue directions to appoint a person on compassionate ground without verifying credentials and ascertaining the family situation of the deceased employee. All those aspects are to be verified by conducting Field Inspection by competent authority and any misplaced sympathy in the matter of compassionate appointment would result in infringement of rights of other citizens, who are all longing to secure public employment.

7. In the present case, father of appellant died in the year 1992 and petitioner submitted 2nd application in the year 2022. 30 years



long delay would be sufficient to draw factual inference that penurious circumstances, if at all existed on the date of death of employee, became vanished.

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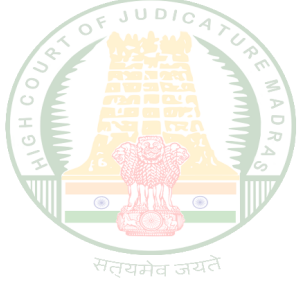
Consequently, the present Writ Appeal is dismissed. The impugned order of Writ Court dated 20.04.2023 passed in W.P.No.6636 of 2023 stands confirmed. No costs.

(S.M.S.,J.) (N.S.,J.)
28-07-2026

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

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
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