



W.P.(MD) No.9227 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.9227 of 2026

and

W.M.P.(MD) No.7409 of 2026

Sivathisvan

... Petitioner

-VS-

1.State of Tamil Nadu
rep.by its the Secretary to
Government (Minister to
School Education Department)
Secretariat, Fort St.George
Chennai

2.The Director of Public Libraries
Public Library Department
No.737/1, Anna Salai
Chennai-600 002

3.The District Library Officer
O/o.The District Librarian Office
Simmakal, Madurai

4.The Branch Library
Vadakkampatti Village
Kalligudi Taluk
Madurai District

5.V.Anusuya

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the third respondent vide the proceeding reference No.Na.Ka.No:3326/A/2025, dated 13.01.2026 and quash the same and consequential direct the respondents 1 to 3 herein to provide compassionate appointment to the petitioner.

For Petitioner : Mr.R.Vignesh

For Respondents : Mrs.K.Porkodi
Counsel for the Government of Tamil Nadu

ORDER

The petitioner herein made a claim for compassionate appointment consequent upon the demise of his father on 21.09.2024 by submitting all the required documents before the official respondents herein. One of the documents produced by the petitioner, being an Integrated Certificate for Compassionate Appointment issued by the Tahsildar concerned, would disclose that the mother of the petitioner herein is working as a Police Constable and shown as divorcee of the deceased employee. In view of the same, the claim of the petitioner was rejected on the ground that there is no document evidencing divorce of the mother of the petitioner herein with his deceased father has been produced. Except the said reason, there is no other



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reason assigned in the impugned order rejecting the claim of the petitioner for compassionate appointment.

2. Learned counsel for the petitioner contends that in terms of the Scheme for Compassionate Appointment framed under G.O.(Ms) No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, divorce is not a condition precedent for considering the claim of the candidate for compassionate appointment in terms of Rule 3 of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 (in short, “Rules, 2023”). Proviso to Rule 3(3)(b) of the Rules, 2023, reads as under:

“3. Eligibility for appoint. - (1) The members of the family of the following categories of Government servants are eligible for appointment on compassionate grounds, namely:-

(a) ...

(b) ...

(c) ...

(2) ...

(3) The eligibility of the family of a deceased or medically invalidated Government servant, for appointment on compassionate grounds, are subject to the following conditions, namely:-



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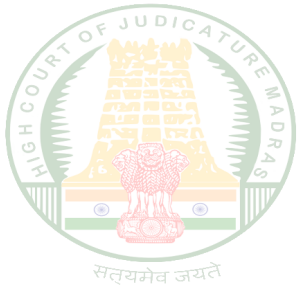
(a) ...

(b) *No member of the family shall be in regular employment in Government or any private enterprise:*

Provided that where a member of the family is in regular employment and is living separately without providing any monetary assistance to the family before the death or retirement on medical invalidation of the Government servant, shall not make the family ineligible."

3. Learned counsel for the petitioner placed reliance on the said proviso and contends that in case if any other family member of the deceased employee is also in a regular employment, but is not monetarily assisting the family before the death of the deceased employee, the dependants of the deceased employee are eligible for compassionate employment.

4. This Court, having perused the said proviso, is convinced that the legal divorce between the mother of the petitioner / fifth respondent and his deceased father is not a condition precedent and the case of the petitioner is required to be considered under the said proviso and in case if it is found that the mother of the petitioner / fifth respondent herein is not monetarily assisting the family before or after the death of the petitioner's father, then the petitioner may be entitled for consideration of his case for compassionate



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appointment under the Scheme framed under G.O.(Ms) No.33, dated 08.03.2023. But, this aspect of the matter was not at all considered by the respondents, while issuing the impugned proceedings. In view of the same, the impugned proceedings is liable to be quashed.

5. Accordingly, the impugned proceedings, dated 13.01.2026, issued by the third respondent, is hereby quashed and the matter is remanded back to the third respondent for re-consideration of the matter duly taking into consideration the proviso referred to above and for passing orders afresh in accordance with law. The third respondent is directed to pass appropriate orders, as directed above, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2026

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

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(Minister to School Education Department),
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