



W.A.(MD)No.1282 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.1282 of 2022
and
C.M.P.(MD)No.9944 of 2022**

1.The Corporation Commissioner,
Madurai Corporation,
Madurai – 3.

2.The Assistant Commissioner,
Madurai Corporation,
Madurai.

... Appellants

Vs.

1.R.Rajeshwari

2.The District Collector,
Office of Collector,
Madurai.

... Respondents

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.19942 of 2018 dated 03.10.2018 on the file of this Court.



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For Appellants : Mr.S.Vinayak

For Respondents : Mr.K.P.Ramesh for R1
Mr.A.Baskaran,
Addl. Government Pleader for R2.

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

Heard the learned standing counsel for the appellants / Madurai Corporation, the learned counsel for the first respondent / writ petitioner and the learned Additional Government Pleader for the second respondent.

2.Thiru.Ramasamy was employed as Sweeper in Madurai Corporation. He died while in service on 01.12.2012. Ramasamy died leaving behind his wife / Rajeshwari and four daughters/ Manimegalai, Kavitha, Amutha and Usha. An application was submitted by the youngest daughter namely, Usha. Usha however did not want to press her application. Thereafter, application was submitted by the elder daughter Manimegalai on 25.09.2015. Manimegalai's request was rejected by the Assistant Commissioner, Madurai Corporation vide order

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dated 04.06.2018. The rejection rested on two grounds. (a) An application for appointment on compassionate grounds cannot be transferred. (b) Manimegalai was married. Challenging the rejection order, Rajeshwari filed W.P.(MD)No.19942 of 2018. The learned Single Judge vide order dated 03.10.2018 set aside the rejection order. Questioning the same, this writ appeal has been filed.

3.As already mentioned, Manimegalai's request was rejected for the reason that she was married. This stand of the corporation is patently unconstitutional. Article 14 of the Constitution of India enshrines the principle of equality. Article 15 forbids discrimination on the ground of sex. In the case of any male, his marital status is irrelevant for considering his application for appointment on compassionate grounds. However, in the case of female, the marital status is projected as a disqualification. A learned Judge of this Court in the decision reported in **2015 (5) CTC 344 (Govindammal Vs. Principal Secretary, Social Welfare and Nutritious Meal Programme Department, Chennai)** had held that such a discrimination is constitutionally impermissible. Therefore, the learned Single Judge rightly interfered with the rejection order.



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4.The other ground of rejection does have some force. But Manimegalai's application was also submitted well within time. Therefore, the learned Single Judge was fully justified in granting relief.

5.The learned standing counsel for the corporation states that Ramasamy was employed only as Sweeper and that the sanitary work as a whole has been outsourced. Secondly, Manimegalai's husband was a practicing lawyer. He has now obtained employment as Manager in the Transportation Corporation. Therefore, Manimegalai cannot be said to be in penurious condition any further. However, another daughter of Ramasamy namely, Mrs.Kavitha is a physically challenged person. She is suffering from hearing as well as speech impairment. She has two children. One of her children namely, Master.Kathiravan is also having some physical disability. In these circumstances, we are of the view that instead of Manimegalai, Kavitha can be given employment on compassionate grounds. Manimegalai is present in person before us and she has given her consent. These are matters which should not be viewed from a technical perspective. Kavitha is said to have passed in



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M.A.(Tamil) and BBA. She also knows typewriting in Tamil.

Considering these qualifications, the corporation can very well consider appointing her to an appropriate post. In the impossibility of such accommodation, Kavitha can be accommodated even in an outsourcing job. The outsourcing contractor has to be directed to ensure to engage Kavitha. The contractors may change but then Kavitha has to be in some kind of employment. This alternative option will be explored only if the corporation is unable to accommodate Kavitha in any of the posts in the corporation itself.

6.The order of the learned Single Judge is modified and the writ appeal is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
10.02.2026

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

The District Collector,
Office of Collector,
Madurai.

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