



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.6561 of 2015

M.Vanitha

... Petitioner

Vs.

1.The Secretary,
Home Department,
Fort St.George,
Chennai.

2.The Director General of Police,
Police Head Quarters,
Chennai 600 004.

3.The Superintendent of Police,
Thanjavur District. Thanjavur.

... Respondents

PRAYER: Petition is 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 dated 11.10.2013 passed by the 3rd respondent in his Na.Ka.No.P2/40146/2013 and quash the same and consequently, direct the respondents to appoint the petitioner for the suitable post on compassionate ground of the death of the petitioner's father A.Marimuthu, was working as a Special Sub Inspector of Police and died on 26.06.2013.

For Petitioner : Mr.D.R.Murugesan
For Respondents : Mr.S.Kumar, AGP

O R D E R

The Writ petition has been filed, seeking to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 11.10.2013 passed by the 3rd respondent in Na.Ka.No.P2/40146/2013 and quash the same and consequently, direct the respondents to appoint the petitioner for a suitable post on compassionate ground on the death of the petitioner's father A.Marimuthu, who was working as a Special Sub Inspector of Police, died on 26.06.2013.

2.The petitioner has made an application for compassionate appointment on the premise that her father died, while working as a Special Sub Inspector of Police. By an order dated 10.10.2013, the request of the petitioner has been rejected only on the ground that the petitioner got married and that she has not been considered for compassionate appointment.

3.The learned Additional Government Pleader appearing for the respondents fairly stated that making discrimination between son and daughter on the ground of marriage is arbitrary.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.



5. There cannot be any discrimination between married son and married daughter in the matter of compassionate appointment and the same is violative of Articles 14, 15 and 16 of the Constitution of India. Therefore, the respondents cannot deny compassionate appointment to the petitioner on the ground that she got married.

6. In view of the same, the impugned order 11.10.2013 passed by the 3rd respondent is hereby quashed and the 3rd respondent is directed to provide compassionate appointment in a suitable post to the petitioner in the next vacancy. The necessary order shall be passed by the 3rd respondent within a period of one month from the date of receipt of a copy of this order.

7. The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Home Department,
Fort St. George,
Chennai.

2. The Director General of Police,
Police Head Quarters,
Chennai 600 004.

3. The Superintendent of Police,
Thanjavur District, Thanjavur.

+1cc to Mr.D.R.Murugesan, Advocate SR.No.21785/15

+1cc to special Government Pleader SR.No.22328/15.

nbj

Sm:02.06.2015:2P/6C

W.P. (MD) No.6561 of 2015
24.04.2015