



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20502 of 2016

G.Rajamani

: Petitioner

Vs.

The District Collector,
Sivagangai, Sivagangai District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.P3/13688/2016 dated 12.08.2016 and quash the same as illegal and consequently direct the respondent to appoint the petitioner on the compassionate ground in any of the post in his office.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.V.R.Shanmuganathan,
Special Government Pleader.**ORDER**

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus praying to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.P3/13688/2016 dated 12.08.2016 and quash the same as illegal and consequently to direct the respondent to appoint the petitioner on the compassionate ground in any of the post in his office.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that her father namely K.Gopalakrishnan, who was employed as Office Assistant in the respondent office, died on 17.11.2014, while in service, leaving behind his wife and the petitioner and one Kavitha, as his legal representatives. Immediately after the demise of her father, her mother approached the respondent and requested to give appointment to the petitioner in any one of the post in the respondent office on compassionate ground. The respondent advised her mother to represent the petition with relevant documents. On 25.07.2016, the petitioner applied to the respondent for appointment on



compassionate ground. However, the first respondent passed the impugned order dated 12.08.2016, rejecting her claim on the ground that there is no Government Order to appoint a married daughter on compassionate ground. Therefore, this writ petition has been filed.

4. It is settled position that married daughters are also eligible to be considered for appointment on compassionate ground. In the decisions of this Court in **R.Govindammal v. The Principal Secretary, Social Welfare and Nutritious meal Programme Department, Chennai and Others** reported in 2015(3)LW756 and in **M.Indra v. Director, Institute of Mental Health, Kilpauk, Chennai** reported in 2016(5) MLJ 178, it has been held that the condition imposed stating that the daughter should be unmarried to claim compassionate appointment, was held to be arbitrary and violative of Articles 14, 15(1) and 16(2) of the Constitution of India. The dictum laid down in the said two Judgments has been followed in the subsequent decisions of this Court. Under such circumstances, the impugned order passed by the respondent dated 12.08.2016 is set aside and the respondent is directed to provide appointment to the petitioner on compassionate ground, if there is no other disqualification, within a period of two months, from the date of receipt of a copy of this order.

5. The writ petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The District Collector,
Sivagangai, Sivagangai District.

+1 CC to Mr.J.JEYAKUMAR, Advocate, SR No.63842

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.64734

ORDER MADE IN
W.P(MD) No.20502 of 2016
26.10.2016

smn

SH/SKS-RR:15.11.2016:2P/4C