



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21203 of 2016

and

W.M.P (MD) No.15150 and 15151 of 2016

K.Meenashi

: Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai District.

2.The Educational Officer,
Madurai Corporation,
Madurai District.

: Respondents

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 pertaining to the impugned order in Na.Ka.NoA9/011431/16 dated 29.03.2016 passed by the second respondent and quash the same as illegal and consequently direct the respondents to provide employment to the petitioner on compassionate ground within the period that may be supplicated by this Court.

For Petitioner

: Mr.M.Natarjan

For Respondents

: Mr.T.S.Mohamed Mohideen,

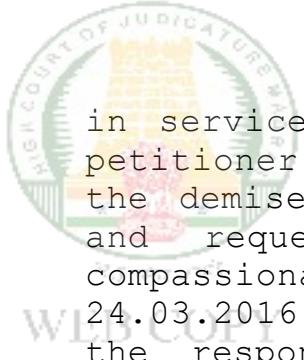
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, praying to quash the impugned order dated 29.03.2016 passed by the second respondent and consequently to direct the respondents to provide employment to the petitioner on compassionate ground.

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

3.The facts of the petitioner is that her father namely S.P.Kannaparaajan,, who was employed as Noon Meal Organiser in Pandiya Vellalar Middle School, Madurai, died on 25.12.2015, while



in service, leaving behind his wife and her daughter viz., the petitioner herein, as his legal representatives. Immediately after the demise of her father, her mother approached the respondents and requested to give appointment to the petitioner on compassionate ground, by submitting a representation dated 24.03.2016. Thereafter, she had made several representations to the respondents. However, the second respondent passed the impugned order dated 29.03.2016, rejecting her claim on the ground that she got married. Thereafter, she made a detailed representation dated 23.08.2016 to the first respondent. As the same was not considered so far, 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 **Director of School Education, D.P.I. Campus, Chennai - 600 006 and another v. Chitralkha** reported in (2016)3 MLJ 63, **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 three Judgments has been followed in the subsequent decisions of this Court. Under such circumstances, the impugned order passed by the second respondent dated 29.03.2016 is set aside and the respondents are directed to provide employment to the petitioner on compassionate ground subject to her liability and her qualifications, 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Educational Officer,
Madurai Corporation,
Madurai District.

+1cc to MR.M.Natarajan, Advocate SR.No.65802

+1cc to Mr.T.S.Mohamed Mohideen, Advocate SR.No.65829

smn

sm:KM:18/11/2016:2P/4C

ORDER MADE IN
W.P(MD)No.21203 of 2016
and
W.M.P(MD)No.15150 and 15151 of 2016
04.11.2016