



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.23560 of 2016

P.Murugeswari

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The District Collector's Personnel
Assistant (General),
Collectorate, Dindigul.

3.The Tahsildar,
Dindigul Taluk,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order passed by the 2nd Respondent in his proceedings Mu.Mu.No.21209/2016/A3 dated 16.09.2016 on the ground that the same is arbitrary, illegal, perverse and consequently directing the Respondents to appoint thePetitioner as a Village Assistant or any other suitable post under the compassionate appointment in the Respondents Department.

For petitioner

... Mr.S.Karthik

For Respondents

... Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

The claim of appointment on compassionate ground has been rejected by the respondents on the ground that the petitioner is a married daughter. This order is under challenge in this writ petition.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

<https://hcservices.ecourt.gov.in/hcservices/>
The facts leading to the filing of the writ petition run as under:-



The petitioner's father Palanichamy was working as Village Assistant in the Revenue Department and he died on 10.09.2015 while he was in service. Hence the petitioner has given an application on 16.10.2015 for compassionate appointment. The said application was rejected on the ground that the petitioner is a married daughter of the deceased employee, by the impugned order dated 16.09.2016. Therefore, the 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 fifth respondent, dated 16.09.2016 is set aside and the respondent is directed to provide appointment to the petitioner on compassionate ground, subject to the educational qualification of the petitioner, within a period of four weeks 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(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
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- 3.The Tahsildar,
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