



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20921 of 2017

&

WMP(MD)Nos.17225 and 18907 of 2017

U.Abina

... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Survey and Settlement,
Survey House, Chepauk,
Chennai - 600 005.

3.The Assistant Director of Survey and Land Records,
Theni.

(R3 is impleaded as per order dated 18.01.2018
made in W.M.P. (MD) No.18907 of 2017)

... Respondents

Prayer : This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus. Calling records of the first respondent i.e. the Principal Secretary to Government, Revenue Department, Chennai relating to his Lr.No.41473/Service-9(2)/2011-5 dated 20.01.2017 and quash the same relating to the portion of fixing the date for considering the qualification for appointment on compassionate grounds and consequently direct the first and second respondents i.e. the Principal Secretary to Government, Revenue Department, Chennai and the Commissioner of Survey and Settlement, Chennai to appoint the petitioner on compassionate grounds considering the qualification obtained by the petitioner on the date of attaining majority i.e. on 16.02.2010, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Srimathy

O R D E R

W.M.P.(MD) No.18907 of 2017 is allowed and the third respondent is impleaded accordingly.

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2.The petitioner's father was working as a Surveyor in the Survey Department. He passed away in the year 2002, when he was in service. The application for grant of compassionate appointment was given in 2004. The petitioner was then studying in 7th standard. The department is presently inclined to consider her case, but only with reference to the qualification which she was possessing on the date of submission of application for compassionate appointment.

3.The learned counsel for the petitioner contends that if the said criteria is adopted, the writ petitioner will only be given the post of Sweeper or Scavenger. As and when the respondent considers the petitioner's case for compassionate appointment, the qualification which she is possessing can be taken into consideration.

4.The said submission is perfectly reasonable. The impugned communication is quashed. The respondents are directed to consider the case of the writ petitioner based on the qualification which she is currently possessing. Of course, the petitioner cannot demand that she should be given only a particular post.

5.The writ petition allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
 - 2.The Commissioner of Survey and Settlement,
Survey House, Chepauk,
Chennai - 600 005.
 - 3.The Assistant Director of Survey and Land Records,
Theni.
- +One cc to Mr.S.Visvalingam, Advocate, SR.no.42670
+One cc to The Special Government Pleader, SR.No.43089
Arul
RL/6C/2P/KK/SAR1/9/2/2018

W.P(MD)No.20921 of 2017