



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17448 of 2013
and
M.P. (MD) No.1 of 2013

R.Selvavathi

... Petitioner

Vs.

1. The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai - 18.
2. The Collector,
District Collectorate,
Nagercoil,
Kanyakumari District.
3. The Assistant Director (General)
Directorate of Town Panchayat,
Agasteeswaram,
Kanyakumari District.
4. The Executive Officer,
Oo.Municipal Administration,
Agasteeswaram,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Moo.Mo.No.3535/2009/Pa2 dated 16.09.2009 on the file of the respondent No.3 signed by the respondent No.4 quash the same as illegal and consequently to direct the respondents to consider the claim of the petitioner for appointment under the compassionate grounds to the post of Junior Assistant as per his eligibility or any other post within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R3 : Mr.C.Selvaraj
Special Government Pleader

For R4 : Mr.M.Murugan

**ORDER**

The order of rejection dated 16.09.2009 issued by the third respondent rejecting the claim of the writ petitioner for compassionate appointment is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that the father of the writ petitioner was employed as Junior Assistant in the office of the third respondent and passed away on 19.06.2007, while he was in service. The writ petitioner being the only daughter of the deceased employee got married on 03.02.2003 itself. However, in order to take care of the family, the writ petitioner made an application seeking appointment of compassionate ground. The same was rejected by the third respondent in proceedings dated 16.09.2009, on the ground that the writ petitioner is a married daughter and the married daughter is not eligible for seeking compassionate appointment.

3. This Court is of the opinion that the married son is made eligible for seeking appointment on compassionate ground. Thus, there cannot be any gender discrimination in respect of providing appointment on compassionate ground. The Courts have repeatedly held that the appointments cannot be denied on compassionate ground on gender basis. When the married son is eligible for compassionate appointment, then the married daughter also would be eligible for compassionate appointment. During the pendency of the writ petition, the Government also accepted the legal principles settled by the Court and issued orders stating that the married daughters are also eligible for compassionate appointment.

4. In view of the changed circumstances and in view of the acceptance of the legal principles by the Government, this Court is of the opinion that the case of the writ petitioner deserves to be re-considered. Accordingly, the order impugned passed by the third respondent in proceedings Moo.Mo.No.3535/2009/Pa2, dated 16.09.2009 is quashed and the respondents are directed to re-consider the case of the writ petitioner on merits in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai - 18.

2. The Collector,
District Collectorate,
Nagercoil,
Kanyakumari District.

3. The Assistant Director (General)
Directorate of Town Panchayat,
Agasteeswaram,
Kanyakumari District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 40403

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 40519

MM/AKV

TE/KKR/SAR-1 : 23/01/2018 : 3P/6C

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