

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.4031 of 2020
and
W.M.P.No.4761 of 2020

S.Yogaraj
S/o.Late Sivaraj .. Petitioner

- Vs -

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Personal Assistant to the District Collector,
(Noon Meal Scheme)
Dharmapuri District,
Dharmapuri.
3. The Commissioner,
Panchayat Union,
Harur, Dharmapuri District. ... Respondents

Writ Petition 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 of the 2nd respondent dated 03.12.2019 made in A.Thi.Mu.No.20735/2019/X1 and the consequential order passed by the 3rd respondent dated 21.01.2020 made in Na.Ka.No.113/2019/A4 and to quash the same and consequently, direct the respondents to provide appointment on compassionate ground to the petitioner for the death of his father Sivaraj, Son of Nangan, who died on 15.01.2019 in a suitable post.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader for R1 & R2
Mr.R.S.Selvam,
Government Advocate for R3

O R D E R

On the consent given by both sides, the main writ petition has been taken up for final hearing at the admission stage itself.

2. This writ petition has been filed challenging the proceedings of the second respondent dated 03.12.2019 and the consequential order passed by the third respondent dated 21.01.2020, wherein, the request made by the petitioner for appointment on compassionate ground was rejected.

3. The case of the petitioner is that his was father working as a Noon Meal Organiser in a Higher Secondary School at Marudhipatti, Dharmapuri District. He died in harness on 15.01.2019 leaving behind the petitioner, his wife and his daughter. The petitioner made an application to the third respondent along with all the necessary documents including the No Objection letter from his mother and sister, seeking for compassionate appointment in November 2019. The said application has been rejected by the respondents on the ground that priority will be given only for a lady candidate and in view of the fact that the sister of the petitioner was eligible, the request made by the petitioner was rejected and consequently, the present writ petition has been filed before this Court.

4. The learned counsel appearing on behalf of the petitioner submitted that the respondents misdirected themselves in rejecting the application made by the petitioner, since the petitioner has already submitted No Objection letter from his mother and sister. The learned counsel also brought to the notice of this Court that Male candidates are also considered for appointment as Noon Meal Organiser and in order to substantiate the same, the learned counsel brought to the notice of this Court an appointment order that was given by the first respondent to a Male candidate, who is also similarly placed and who had approached the respondents seeking for appointment on compassionate ground. The learned counsel, therefore, submitted that the impugned communication of the second and third respondents requires interference of this Court.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the respondents will consider the request made by the petitioner afresh in view of the fact that his mother and sister have already given No Objection letters.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the second and third respondents failed to notice that the mother and the sister of the petitioner have already given their No Objections for considering appointment in favour of the petitioner, this Court has no hesitation to interfere with the impugned communication of the second respondent dated 03.12.2019 and the consequential order of the third respondent dated 21.01.2020 and the same is hereby quashed. The petitioner is directed to once again resubmit the application

to the third respondent with all the necessary particulars and the third respondent is directed to immediately consider the same and send the proposal to the second respondent and the second respondent shall independently consider the eligibility of the petitioner for appointment on compassionate ground. This process shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh application along with the copy of this order to the third respondent and mark a copy of the same to the second respondent.

7. This writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (TN MCC)

//True Copy//

Sub Assistant Registrar

KMI

To

1. The District Collector,
Dharmapuri District, Dharmapuri.
2. The Personal Assistant to the District Collector
(Noon Meal Scheme)
Dharmapuri District, Dharmapuri.
3. The Commissioner,
Panchayat Union,
Harur, Dharmapuri District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No. 15767
+1cc to Mr.R.S.Selvam, Advocate, S.R.No. 16259
+1cc to the Government Pleader, S.R.No. 16199

WP.No.4031 of 2020

GP(CO)
GN(26/05/2020)