



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.6858 of 2021

M.Rajapandi

... Petitioner

versus

1. The District Collector,
Madurai,
Madurai District.

2. The Block Development Officer,
Madurai East,
Madurai District.

3. The Commissioner,
East Panchayat Union,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.42729/2020/SA.U.Thi-2/dated 17.12.2020 and quash the same as illegal and consequently direct the respondents to appoint the petitioner in any one of the posts on compassionate ground in their department based on the petitioner's representation dated 22.06.2020.

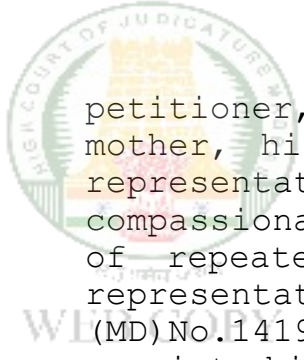
For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mrs.V.P.M.Vaishnavi,
Government Advocate for R1
Mr.M.Murugan,
Government Advocate for R2 and R3

ORDER

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.42729/2020/SA.U.Thi-2/dated 17.12.2020 and quash the same as illegal and consequently, direct the respondents to appoint the petitioner in any one of the posts on compassionate ground in their Department based on the petitioner's representation dated 22.06.2020.

2. The case of the petitioner is that his mother was appointed as Assistant in Noon-Meal Centre at Kollankulam Primary School, Madurai East, Madurai on 31.08.2007 and while she was in service, his mother died on 30.04.2019, leaving behind the



petitioner, his father, brother and sister. After the death of his mother, his family faced financial crisis. Therefore, he made a representation on 18.11.2019 to the first respondent, requesting for compassionate appointment along with relevant documents. In spite of repeated representations, no order was passed on the said representation. Hence, the petitioner filed a writ petition in W.P. (MD)No.14191 of 2020, seeking direction to the respondents to appoint him on compassionate ground based on his representation dated 22.06.2020. This Court, vide order dated 13.10.2020, disposed of the writ petition, directing the first respondent to consider the petitioner's representation dated 22.06.2020. Thereafter, the present impugned order dated 17.12.2020 came to be passed, rejecting his request on the ground that as per G.O.(Ms)No.198 dated 25.10.2007 and G.O.(Ms)No.163, dated 18.08.2010, only the women legal heirs are eligible for appointment in that post. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that in the petitioner's family, the petitioner's sister one Kanimozhi is available. However, she is not willing to apply the said post and she has also given no objection certificate for appointing his brother to that post. But, without considering the said fact, the present impugned order came to be passed, which is unsustainable in law.

4. The learned Government Advocate appearing for the respondents submitted that as per the scheme, only women legal heirs are entitled for the post of Cook Assistant on compassionate ground. If no female legal heir is available, a male legal heir will be eligible for that post based on the recommendation of the District Collector. In the present case, the petitioner's sister Kanimozhi is available. Hence, the claim made by the petitioner cannot be granted.

5. Admittedly, the facts in the present case are not in dispute. As per G.O.Ms.No.198 dated 25.10.2007 and G.O.Ms.No.163 dated 18.08.2010, only women legal heirs are eligible for the post of Cook Assistant and if no female legal heir is available, a male legal heir will be eligible based on the recommendation of the District Collector.

6. In the present case on hand, the petitioner's sister one Kanimozhi is available. Though the petitioner's sister is not willing to apply the post of Cook Assistant on compassionate ground and she has given no objection certificate, as per G.O.Ms.Nos.198 and 163, the petitioner is not entitled for compassionate appointment as the scheme is meant for only women legal heirs. Therefore, the prayer sought for in the writ petition cannot be granted.



7. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Madurai,
Madurai District.
2. The Block Development Officer,
Madurai East,
Madurai District.
3. The Commissioner,
East Panchayat Union,
Madurai District.

+1 CC to M/s.SPL GP (SR-14110[F] dated 29/03/2021)

W.P. (MD)No.6858 of 2021

26.03.2021

RK (27.04.2021) 3P 5C