



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.7472 of 2019

M.Mahendran

... Petitioner

Vs .

1.The Secretary
Department of Social Welfare and
Noon Meal Programme,
Government of Tamil Nadu,
Secretariat, Chennai.

2.The Director
Social Welfare Officer and
Noonmeal Programme,
Chepauk, Chennai.

3.The District Collector,
(Noon Meal Scheme)
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent's letter Na.Ka.No. 9/27118/2018 dated 16.08.2018 and consequential letter Na.Ka.No. 9/36177/2017 dated 10.10.2018 and quash the same as it violates the equality before law as guaranteed under Article 14 of the Constitution of India and direct the respondents to provide employment to the petitioner on compassionate ground for the death of his father P.Madasamy, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.K.Manickam,
Standing Counsel for State



ORDER

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 16.08.2018, passed by the third respondent and the consequential order dated 10.10.2018 and to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds.

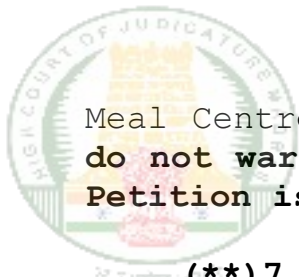
2. The case of the petitioner is that his father was working as Organiser under Noon Meal Scheme in Thirvettanallur Union Panchayat Middle School, Sankarankovil and he died on 08.09.2003, while he was in service. The petitioner made an application on 02.06.2004, seeking compassionate appointment and it was informed by the third respondent that there is a ban on direct recruitment and therefore, his application could not be considered. After the ban order was lifted in the year 2006, the petitioner again made a representation to the respondent for his employment. Further, the petitioner also made an application along with requisite documents to the third respondent. However, the request of the petitioner was rejected on the ground that first preference is to be given to the women legal heirs and also the petitioner's mother was working as Cook in the Noon Meal Centre of Panchayat Union Middle School, Thiruvettanallur. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the reason stated in the impugned order that first preference is to be given to the women legal heirs is illegal and arbitrary and the respondents ought to have treated the petitioner on par with women candidate and they should not be discriminated as men and women. Therefore, the impugned order is liable to be set aside.

4. Counter affidavit has been filed by the respondents. Based on the counter affidavit, the learned Standing Counsel for Government appearing for the respondents stated that the petitioner's mother was working as Cook in Noon Meal Centre, Panchayat Union Middle School, Thiruvettanallur and even after the demise of the petitioner's husband, she is continued to work in the Noon Meal Centre. He further submitted that there is no financial crisis to the family of the deceased employee and therefore, the petitioner's application could not be considered for compassionate appointment. Hence, the third respondent has rightly passed the impugned orders.

5. I have anxiously considered the submissions made on either side and perused the materials available on record.

6. On perusal of the materials on record, it is seen that as against the statement made in the counter affidavit, there is no reply affidavit has been filed by the petitioner. Therefore, there is no dispute that the petitioner's mother is working in the Noon



Meal Centre. (*)Hence, the impugned order passed by the respondent do not warrant any interference of this Court. Therefore, the Writ Petition is liable to be dismissed.

(**)7. Accordingly the Writ Petition stands dismissed.

(**)Omitted as per order of this Court dated 15/09/2021

Sd/-

Assistant Registrar (CS-II)

(*)Corrected as per order of this Court dated 15/09/2021

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

(*)To be Substituted to the order already despatched on 25/08/2021

1.The Secretary

Department of Social Welfare and
Noon Meal Programme,
Government of Tamil Nadu,
Secretariat, Chennai.

2.The Director

Social Welfare Officer and
Noonmeal Programme, Chepauk, Chennai.

3.The District Collector,

(Noon Meal Scheme)
Tirunelveli District, Tirunelveli.

+1 CC to M/s.GP (SR-25878[F] dated 11/08/2021)

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10.08.2021

RK (23.08.2021) 3P 5C

RD (23.08.2021) 3P 5C