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W.P.No.26691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.26691 of 2022

V.R.Divya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 9.

2.The Director of Medical and Rural Health Services (DMS),
No.258, DMS Complex, 3rd Floor,
Anna Salai, Teynampet,
Chennai - 600 018.

3.The Joint Director,
Health and Family Welfare Department,
Thiruvallur District.

4.The Chief Medical Officer,
Government Hospital,
Pallipattu,
Thiruvallur District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 4 to consider the petitioner for the Compassionate



Appointment and to appoint her in the permanent Government Post under the compassionate grounds according to her educational qualification based on her representations dated 27.01.2021, 16.08.2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Nanda Kumar

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

The petitioner seeks for compassionate appointment on account of the death of her husband while in service.

2. The petitioner claims that her husband, who was a Doctor, died while doing Covid duty on 22.11.2020. The reason for the death of the petitioner's husband and the date of his death has not been disputed by the respondents. The petitioner is his wife whose educational qualification is B.E. Computer Science. The petitioner has submitted an application on 27.01.2021 with the respondents, requesting for compassionate appointment. Since the request of the petitioner has not been considered till date, the petitioner has filed this Writ Petition.



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3. A Counter Affidavit has been filed by the second respondent wherein they have not denied the fact that the petitioner's husband was a Doctor and died on account of Covid-19 and he was also performing Covid duty at that time. The date of death is also not disputed. The educational qualification of the petitioner is also not disputed. The only ground they have raised in the Counter is that as and when the application of the petitioner based on her seniority is reached, the request of the petitioner for compassionate appointment will be considered.

4. The learned counsel for the petitioner on instructions would submit that if the undertaking given by the second respondent as recorded in para No.16 of the Counter Affidavit is recorded by this Court and a direction is issued to the respondents to comply with the said undertaking by providing compassionate appointment to the petitioner based on her seniority with regard to her application is considered on merits and in accordance with law the petitioner will be satisfied for the present. No prejudice would be caused to the respondents, if such a direction is issued by this Court.



W.P.No.26691 of 2022

WEB COPY

5. For the foregoing reasons, this Writ Petition is disposed of by directing the second respondent to consider the petitioner's application seeking for compassionate appointment based on her seniority on merits and in accordance with law, considering the fact that the petitioner's husband was a Doctor who died during Covid duty on 22.11.2020. In case the grievance of the petitioner has not been redressed by the respondents, even after her application has reached the seniority for consideration, the petitioner is granted liberty to approach this Court once again if the respondents fail to comply with the undertaking given before this Court as per para No.16 of the Counter Affidavit.

6. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

25.11.2022

Index : Yes/No
Speaking Order : Yes / No
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W.P.No.26691 of 2017

To

WEB COPY

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Secretariat, Chennai - 9.

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ABDUL QUDDHOSE. J.,

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