



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.03.2022
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P. (MD) No.957 of 2022

WEB COPY

S.Vidhya

... Petitioner

Vs.

1. Government of Tamilnadu
Through its Secretary Higher Education,
Fort St.George, Chennai- 9
2. The Director of Higher Education,
Nungambakkam, Chennai - 6
3. The District Collector
Madurai District
4. The Chief Educational Officer
Madurai
5. The District Educational Officer,
Usilampatti, Madurai District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 4th respondent dated 01.10.2021 in Na. Ka.No.1910/A2/2021 and to quash the same and direct the respondents to provide the petitioner with an appropriate job on compassionate ground in Group - C post in the Education Department in consideration with the Petitioner's qualification within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Thomas Raja Durai

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The order of rejection dated 01.10.2021 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The mother of the writ petitioner namely V.Thangammal was working as Head Master in the Government Higher Secondary School and died on 12.02.2011, while she was in service. The mother of the writ petitioner died eight days before the date of marriage of the petitioner. Thus, the petitioner married almost 11 years back. She applied for compassionate appointment and the said application was rejected by the Authorities. Thereafter, the petitioner filed a writ petition in W.P(MD).No.11264 of 2012. This Court passed an order on 20.01.2020 remanding the matter back to the Authorities for re-consideration. Accordingly, the case of the writ petitioner was re-considered and an elaborate order was passed by the fourth respondent in proceeding dated 01.10.2021 rejecting the application mainly on the ground that the husband of the deceased employee was working as Assistant Director of Commercial Taxes Department and retired from service. Along with his pension and the family pension of the deceased employee, the husband of the petitioner was also receiving a sum of Rs.54,225/- per month. Deducting family pension, the Authorities have considered the case. By deducting family pension, the husband of the deceased employee was receiving a monthly pension of Rs.25,115/- and for one year, the pension is Rs.3,01,380/-. Thus, the pension of the husband of the deceased employee alone is crossing the ceiling of Rs.2,00,000/- as contemplated under the scheme of compassionate appointment. This apart, the father of the writ petitioner was working as Assistant Director of Commercial Taxes Department and the mother of the petitioner was working as Head Master, who died. The petitioner married 11 years back and now she is aged about 37 years. Her husband is also probably a earning member of the family. Hence, this Court is of the opinion that it is highly unnecessary to provide any appointment on compassionate ground. In the event of providing any such appointment, the very purpose and object of the scheme would be defeated.

3. It is relevant to state that the writ petitioner has filed yet another writ petition in W.P(MD).No.19188 of 2017 wherein this Court passed an order to consider the petitioner for Group-C Post. The said order was also taken note of while rejecting the claim of the writ petitioner. When the writ petitioner is not at all eligible for scheme of compassionate appointment, there is no question of considering the Group-C Post.

4. The scheme of compassionate appointment at no circumstances be allowed taking undue advantage of the families, who were not in indigent circumstances. Abuse of the scheme is to be prevented by the Competent Authorities. Appointment is to be provided only to the deserving families. Lakhs and lakhs of youth of our great nation are waiting for employment through open



competitive process. Therefore, backdoor appointments through such exceptional scheme is to be restricted. Therefore, the Government has to issue appropriate directions to all the sub-ordinate Authorities to ensure that the family is under genuine indigent circumstances and only if they are in genuine indigent circumstances, the appointment is to be provided, but not otherwise. The assets possessed by the family of the deceased employee, other source of income and life style are to be considered, while providing compassionate appointment. Abuse of compassionate appointment would lead to infringement of right of the eligible candidates. Therefore, the assessment of various factors are paramount importance for the purpose of providing appointment on compassionate grounds.

5. In the present case, the deceased employee was the Head Master in the Government Higher Secondary School. The husband of the deceased employee was the Assistant Director of Commercial Taxes Department. The assets were not verified by the Authorities. They have only taken into consideration the pension and the family pension and if the assets are also taken into consideration, undoubtedly, the family is living in comfortable position, more so, the petitioner was married 12 years back and she is aged 37 years.

6. Considering all these facts and circumstances, this Court is of the considered opinion that the petitioner is not at all eligible for appointment on compassionate ground and there is no infirmity as such in respect of the order impugned.

7. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar

ssb

To

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+1 CC to M/s.J.THOMAS RAJA DURAI, Advocate
(SR-11259[F] dated 10/03/2022)

+1 CC to M/s.SPL GP (SR-11166[F] dated 10/03/2022)

W.P. (MD) No.957 of 2022
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SP/21/03/2022/4P/8C