



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.02.2022
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

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**W.P. (MD) No.7868 of 2019
and
W.M.P. (MD) No.6214 of 2019**

K.Vinoth

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutrition Meal Department,
Fort St.George,
Chennai - 600 009.
2. The Director,
Social Welfare and Nutrition Meal Department,
Arunachalam Street,
Chindaripet,
Chennai - 600 002.
3. The District Collector,
Office of the District Collector,
Virudhunagar District.
4. The District Project Officer,
Office of the District Project Office,
Integrated Child Development Project Scheme,
Virudhunagar District, Virudhunagar.
5. The District Child Development Project Officer,
Virudhunagar District.
6. The Block Development Officer,
Office of Vathrairuppu (BDO),
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the letter in Na.Ka.R3/5473/2017 dated 18.07.2018 by the District Collector, Virudhunagar, the third respondent herein and the Memo in Na.Ka.A5/121/2017 dated 20.09.2017 by the Block Development Officer of Vathrairuppu, the sixth respondent herein and quash the same and consequently directing the respondents herein to consider the appointment of the petitioner on compassionate ground.



For Petitioner : Mr.J.ARUL KUMAR, Advocate
for Mr.S.SEKAR, Advocate

For Respondents : Mr.A.K.MANIKKAM
Special Government Pleader

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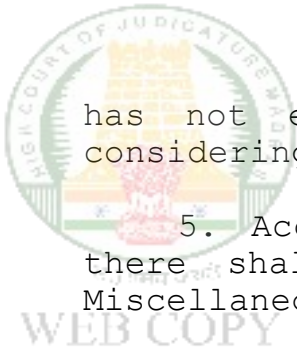
O R D E R

The order impugned dated 18.07.2018 and further order dated 20.09.2017 passed by the District Collector and Block Development Officer respectively are under challenge in the present Writ Petition.

2. The petitioner states that the father of the writ petitioner was working as Noon Meal Organizer at Kamarajar Middle School, Kunoor, Vathraiuppu Union and died on 09.01.2017, while he was in service. In view of sudden death of the father of the writ petitioner, the family was in indigent circumstances. Thus, the petitioner submitted an application seeking appointment on compassionate ground on 30.03.2017. The said application was rejected mainly on the ground that the post of Noon Meal Organizer cannot be filled up with a male member as the school is a Middle School and they have to take care of the small children. As per G.O. (Ms) No. 198, dated 25.10.2007, the post of Noon Meal Organizer in Middle School are to be filled up only by the women candidates and by way of compassionate appointment. It is further contended that the deceased employee has two daughters and when the eligible daughters are available, the petitioner cannot seek appointment on compassionate ground.

3. This Court is of the considered opinion that the scheme of appointment is a concession and it can never be claimed as a matter of right. Thus, the scheme is to be implemented scrupulously with reference to the terms and conditions stipulated. If terms and conditions are violated, it would infringe the rights of all eligible citizens, who are all longing to secure public employment through open competitive process. Thus, all appointments are to be made strictly in accordance with the rules in force. Equal opportunity in public employment is a constitutional mandate. Thus, the appointment on compassionate ground which is a concession is to be extended in a limited manner without diluting the regular scheme of compassionate appointment. In the event of providing large scale appointment on compassionate ground, the scope for public appointment through open recruitment process will be taken away which would result in unconstitutionality. Thus, the compassionate appointment is to be provided in a restricted manner and by strictly following the terms and conditions stipulated under the scheme.

4. In the present case, the petitioner is not eligible for appointment to the post of Noon Meal Organizer as it is exclusively allotted for the women candidates and the deceased employee is having two daughters who have not chosen to submit any application for compassionate appointment. This being the factum, the petitioner



has not established any acceptable ground for the purpose of considering the relief.

5. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To

1. The Secretary,
The Government of Tamil Nadu,
Social Welfare and Nutrition Meal Department,
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Virudhunagar District.
6. The Block Development Officer,
Office of Vathrairuppu (BDO), Virudhunagar District.

+1 cc to Mr.S.SEKAR, Advocate, SR.No.4674

+1CC to Spl.Government Pleader SR.No.4720

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