



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

**THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM**

W.P. (MD) No. 18095 of 2020 and

W.M.P. (MD) No. 15103 of 2020

WEB COPY

M.Ashok Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Represented by its Principal Secretary,  
Social Welfare and Nutritious Meal Programme Department,  
Fort St.George, Chennai - 600 009.
  2. The Commissioner,  
Social Welfare and Nutritious Meal Programme Department,  
Panagal Building 2nd Floor,  
Saidapet, Chennai - 600 015.
  3. The District Collector,  
Sivagangai, Sivagangai District.
  4. The Commissioner,  
Tiruppuvanam Panchayat Union,  
Sivagangai, Sivagangai District.
  5. The Block Development Officer,  
Tiruppuvanam Panchayat Union,  
Sivagangai, Sivagangai District.
- ... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in m/jp/K/vz;/32168-cjp1 (3)-2019 dated 04.12.2019 and the consequential order passed by the third respondent in his proceedings in e/f/Mh;5-21681-19 dated 17.02.2020 and quash the same as illegal and consequentially to direct the respondents to provide compassionate ground or in any entry level post by taking into account of his indigent circumstances and in terms of order made in W.A. (MD) No. 702 of 2007 dated 08.01.2008 and in the light of G.O.(Ms).No.125, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010.

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| For Petitioner  | : Mr.H.Mohamed Imran<br>for M/s.Ajmal Associates       |
| For Respondents | : Mr.N.Satheesh Kumar<br>Additional Government Pleader |



O R D E R

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

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2.The mother of the writ petitioner namely Rukmani was working as Noon Meal Organiser and died on 11.11.2011, while she was in service. The petitioner submitted an application seeking appointment on compassionate ground. It was rejected by the respondents mainly on the ground that as per the Rules in force, the female legal heirs alone are entitled to get appointment in the post of Noon Meal Organiser. There is no provision to appoint the male person as Noon Meal Organiser under the Rules and the case of the writ petitioner was not considered.

3.The learned counsel appearing for the petitioner made a submission that in such circumstances, the respondents would have referred the name of the writ petitioner to the District Collector for considering the case under the General List of persons waiting for compassionate appointment.

4.In the present case, as pointed out by the learned Additional Government Pleader, there is no procedure to appoint male member as Noon Meal Organiser. Therefore, the petitioner cannot be appointed as Noon Meal Organiser. In such circumstances, the respondents have to refer the name of the petitioner to the District Collector concerned for considering his case under the General List, if the petitioner is otherwise qualified. Under these circumstances, there is no infirmity in respect of the order impugned passed by the respondents. However, in view of the fact that the male member cannot be appointed as Noon meal Organiser, the respondents are directed to refer the name of the petitioner to the District Collector concerned for the purpose of considering the case of the writ petitioner along with the General List of persons to be considered under compassionate appointment scheme. The said exercise is directed to be done within a period of 12 weeks from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The Principal Secretary,  
State of Tamil Nadu,  
Social Welfare and Nutritious Meal Programme Department,  
Fort St.George, Chennai - 600 009.

2. The Commissioner,  
Social Welfare and Nutritious Meal Programme Department,  
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3. The District Collector,  
Sivagangai, Sivagangai District.

4. The Commissioner,  
Tiruppuvanam Panchayat Union,  
Sivagangai, Sivagangai District.

5. The Block Development Officer,  
Tiruppuvanam Panchayat Union,  
Sivagangai, Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-10400[F] dated 07/03/2022 )

+1 CC to M/s.SPL GP ( SR-10349[F] dated 07/03/2022 )

W.P. (MD) No. 18095 of 2020  
and  
W.M.P. (MD) No. 15103 of 2020  
04.03.2022

RS (24.03.2022) 3P-8C