



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.16773 of 2021

P.Paraniselvan

... Petitioner

-vs-

1.The Principal Secretary to Government,
Special Commissioner,
Department of Integrated Child
Development Scheme,
Pammal Nallathambi Street,
Tharamani, Chennai-600 013.

2.The Secretary to Government,
Social Welfare and Nutritious Meal,
Program Department,
Secretariat, Chennai-600009.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Project Officer,
Integrated Child Development Scheme II,
Dindigul.

5.The Child Development Officer,
Kodaikanal, Dindigul.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent in Na.Ka.No.194/A/2019 dated 10.06.2019 and quash the same as illegal and unconstitutional, consequently direct the respondents to appoint the petitioner under compassionate ground in any of suitable post according to his educational qualification within the time framed by the Court.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

The order of rejection dated 10.06.2019, rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.



2.The mother of the writ petitioner, Smt.Pichaimani, was working as Anganvadi worker at Palamalai Village, Kodaikanal Taluk and died in harness on 03.11.2010. The petitioner states that an application was filed in time on 01.08.2011 and the said application was recommended in proceedings dated 11.05.2012 by the competent authority. However, no progress has been made. Thus, the petitioner earlier filed W.P.(MD) No.9337 of 2018 and this Court passed an order directing respondents 1 to 4 therein to consider the representation of the petitioner. Pursuant to the order, the 5th respondent rejected the claim on the ground that the post of Anganvadi Worker is to be filled up only by the female legal heirs and therefore, appointment cannot be provided to the petitioner as per the Rules applicable to the post. Thus, the petitioner is constrained to move the present writ petition.

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 his under the General List of persons waiting for compassionate appointment.

4.In the present case, as pointed out by the learned Special Government Pleader, there is no procedure to appoint male legal heir 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 legal heir 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.With the above observations and direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Principal Secretary to Government,
Special Commissioner,
Department of Integrated Child Development Scheme,
Pammal Nallathambi Street, Tharamani, Chennai-600 013.

2.The Secretary to Government,
Social Welfare and Nutritious Meal,
Program Department,
Secretariat, Chennai-600009.

3.The District Collector,
Dindigul District, Dindigul.

4.The Project Officer,
Integrated Child Development Scheme II,
Dindigul.

5.The Child Development Officer,
Kodaikanal, Dindigul.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-10688[F] dated
08/03/2022)

+1 CC to M/s.SPL.GP (SR-10979[F] dated 09/03/2022)

W.P. (MD) No.16773 of 2021
07.03.2022

SA(28.03.2022) 3P 8C