



W.P.No. 31702 of 2012

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 31702 of 2012

S.Selvakumar

.... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Department of Public Health and
Preventive Medicine,
Chennai – 600 009.

2. The Director of Public Health and
Preventive Medicine,
Chennai – 600 006.

3. The Deputy Director of Health Service,
Sivakasi.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents 1 & 2 to grant the petitioner's employment under compassionate ground in consideration of the petitioner's representation dated 17.05.2011.



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For Petitioner : Mr.S.D.Ramalingam
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to grant an employment under compassionate ground.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner's mother died on 23.10.1998, while she was working as Village Health Nurse in Government Primary Health Centre, Kilavikulam, Sivakasi Taluk, Virudhunagar District. After her demise, the petitioner's father got second marriage. The petitioner applied for appointment on the ground of compassionate. Immediately after demise of his mother, his sister applied for employment on compassionate ground. However, it was rejected on the ground that the service of her mother was not regularised. After representation, the third



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respondent, by the proceedings dated 13.02.2002, regularised his mother's service with effect from 22.01.1998. Thereafter, the petitioner's elder sister made an application for employment on the ground compassionate on 25.02.2002. However, it was rejected on the ground that there was a ban on filling up of vacant post. In the meantime, the petitioner's sisters were got married and as such, the petitioner filed an application for seeking employment on compassionate ground. However, once his sister's application was rejected, there is no provision to apply for other person. Therefore, the request made by the petitioner cannot be considered. Thus, the Writ petition is devoid of merits and is liable to be dismissed.

4. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

14.09.2023

Internet: Yes
Index: Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

1. The Secretary to Government,
Department of Public Health and Preventive Medicine,
Chennai – 600 009.
2. The Director of Public Health and Preventive Medicine,
Chennai – 600 006.
3. The Deputy Director of Health Service,
Sivakasi.

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