



W.P.No.34606 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34606 of 2019

S.Deepa
D/o.Late Subramaniyam

... petitioner

Vs.

1. The District Collector
Erode
Erode District.
2. The Revenue Divisional Officer
Bhavani
Erode District.
3. The Block Development Officer
Block Development Officer
Ammapettai
Erode District.
4. Amudha
Wife of Ramalingam

... Respondents



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Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 10.08.2019 and appoint the petitioner in a suitable post on the ground of compassionate appointment.

For Petitioner : Mr.K.Mylsamy
For Respondents : Mr.M.Muthusamy
Government Advocate
for R1 to R3
R4 - No appearance

ORDER

This writ petition has been filed seeking for a mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 10.08.2019, wherein and whereby, she sought for appointment in a suitable post on the ground of compassionate appointment.

2. According to the petitioner, the petitioner's father Subramaniyam was worked as a Noon-meal Organizer in Alangayur Panchayath Union Elementary School at Ammapettai. While he was in service died on 19.09.2003, leaving behind his age old mother Ponnammal, his wife, Muthulakshmi, the petitioner herein (daughter) and another daughter and



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son namely, (1) Amudha / 4th respondent herein and (2) Muthukumar. The petitioner has completed B.Com degree in Alamelu Angappan College for Women at Komarapalayam, Namakkal District. The petitioner made an application before the respondents seeking for compassionate appointment. In response to that application, the third respondent has given a positive reply and stated that they had registered the petitioner's name in the waiting list category. The fourth respondent, who is the petitioner's younger sister has made an application before the respondents seeking for compassionate appointment. On coming to know the above fact, the petitioner made objection before the respondents vide letter dated 29.01.2014. The second respondent called the petitioner for enquiry on 18.07.2014, the petitioner also appeared and submitted all details and documents but till date no orders were passed on the enquiry. As a response to the objection letter, the first respondent sent a communication stating that the fourth respondent's application was returned for want of 'No Objection Certificate' vide proceedings dated 08.09.2016. Despite several objections, the third respondent have proclaimed that they will appoint fourth respondent on the



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ground of compassionate appointment. Immediately, the petitioner has made a representation dated 10.08.2019 seeking to appoint her in a suitable post on the ground of compassionate appointment. Since there is no response, the present writ petition has been filed.

3. The learned Government Advocate for the respondents 1 to 3 submitted that as per G.O.Ms.No.42, the appointments have been given based on the compassionate grounds to the dependent of the deceased Government Servant, who died in harness but the petitioner got married to one Mr.A.Kannan, who is working as Assessor in the Electricity Board, Thirupathur Division. The learned Government Advocate further submitted that the wife of the deceased and the son of the deceased have submitted their consent letter to give appointment on compassionate ground to the fourth respondent herein. It is submitted that for the appointment to the post of Noon-meal Organizer, preference would be given to woman candidates only.



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4. Heard both sides.

5. It is not disputed that the petitioner and the fourth respondent are the legal heirs of the deceased. It is also not disputed that both the petitioner and fourth respondent are qualified for the post of Noon-meal Organizer on the ground of compassionate appointment. To be noted, preference for the appointment of Noon-meal Organizer would be given to woman candidates only. Considering the fact that the wife and son of the deceased have given consent letter for appointing the fourth respondent on the ground of compassionate appointment, the petitioner is not entitled to the post of Noon-meal organizer.

6. Having regard to the submissions made on both sides, this Court is inclined to issue a direction to the respondents to consider the fourth respondent's application seeking appointment for the post of Noon-meal Organizer on the ground of compassionate appointment and pass appropriate orders within a period of six weeks from the date of receipt of a



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copy of this order.

7. With the above direction, this Writ Petition is dismissed. There shall be no order as to costs.

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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V.BHAVANI SUBBAROYAN., J



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