



W.P.(MD)No.4200 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4200 of 2023

T.Renald Billclin

... Petitioner

Vs.

- 1.The Secretary,
Nutritious Meal Department,
Secretariat,
Chennai.
- 2.The District Collector,
Thiruchirappalli Collector Office,
Thiruchirappalli District.
- 3.The Block Development Officer,
(Block Panchayat),
Panchayat Union,
Thiruverumbur,
Thiruchirappalli District.
- 4.The Social Welfare Officer,
Social Welfare Commission,
Panagal Palace, 2nd Floor,
Saidapet,
Chennai – 600 005.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to appoint the petitioner on compassionate ground in any department with reference to his application, dated 08.11.2019, submitted before the District Collector, 2nd respondent herein and the representation dated 19.04.2022.

For Petitioner	: Mr.K.Mavoa Jacob
For RR1, 2 & 4	: Mr.S.P.Maharajan, Special Government Pleader
For R-3	: Mr.M.Siddharthan, Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 and 2, to appoint the petitioner on compassionate ground in any Department with reference to his application, dated 08.11.2019, submitted before the District Collector, 2nd respondent herein and the representation, dated 19.04.2022.

2. The case of the petitioner is that the mother of the petitioner by name Senthamarai was working as a Nutritious Meal Organizer at Hitason Primary School Trichy for the past 25 years and she died on 03.11.2019 when she was working as a Nutritious Meal Organizer at



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Panchayat Middle School, Thiruverumbur, Trichy District. She died leaving behind the petitioner as a sole legal heir and thereafter, the petitioner made an application to the District Collector, for providing compassionate appointment. The District Collector has also forwarded a letter, dated 05.01.2021, to the Social Welfare Officer, enclosing the notification issued with regard to relaxation in appointing a male Nutritious Organizer on compassionate ground. Subsequently, the Block Development Officer sent a letter to the petitioner stating that as per G.O.Ms.No.48 of Social Welfare and Women Empowerment Department, dated 18.08.2021, the petitioner cannot be appointed as Nutritious Food Organizer on compassionate Ground. Hence, the petitioner has sent a representation to the Block Development Officer on 19.04.2022. Since the same was not considered, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents 1 and 2, are directed to dispose of the representation of the petitioner, dated 19.04.2022, on merits and in accordance with law, within a specified period.



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4. The learned Special Government Pleader appearing for the respondents 1 and 2, would submit that already the petitioner's application was returned by the Block Development Officer on 24.01.2022 citing G.O.Ms.No.48 of Social Welfare and Women Empowerment Department, dated 18.08.2021. However, without challenging the same, the petitioner has filed this writ petition and the same is not maintainable and prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

6. Admittedly, the petitioner's mother worked as Nutritious Meal Organizer. She died on 03.11.2019 while he was in service. The petitioner is the only male legal heir. Thereafter, he made an application before the District Collector, seeking compassionate appointment. The said application was lastly returned on 24.01.2022. However, without challenging the said rejection order, filing of this writ petition, is not sustainable and hence, the prayer sought for in this writ petition cannot be granted.



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7. In the result, this writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No Costs.

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PM
NCC:Yes/No
Index:Yes/No

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M.DHANDAPANI, J.

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