



W.P(MD)No.5366 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5366 of 2023

and

W.M.P.(MD)No.5031 of 2023

S.Vignesh

... Petitioner

Vs.

1.The Joint Director,
School Education,
(Employment Division)
Government of Tamil Nadu,
Chennai.

2.The District Educational Officer,
Kanniyakumari District,
Nagercoil.

3.The Regional Educational Officer,
Nagercoil,
Kanniyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.No.ஒ.ஆ.எண்.4760/அ1/2021, dated 05.10.2021 and quash the same as illegal and further direct the respondents to provide compassionate appointment as per his educational qualification.



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For Petitioner : Mr.K.Kumaravel

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner's father was employed as intermediate teacher in the education department. He passed away in harness on 02.09.2005. The petitioner's mother had pre-deceased him. The petitioner was brought up by his maternal grand-mother. The petitioner has completed his engineering degree and seeks appointment on compassionate ground. The petitioner's request was rejected vide order dated 05.10.2021 by the Chief Educational Officer, Kanniyakumari District. The said rejection order is put to challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order in the writ petition and grant relief as prayed for.



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4. I am not in a position to grant relief to the petitioner. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, the issue on hand is no longer *res integra*. Vide order dated 03.08.2022 made in W.A.(MD)No.1275 of 2020(The Director of School Education, Chennai and three others Vs. G.Mariraja), the Hon'ble Division Bench held as follows:-

“7. It is brought to our notice a few Judgments to support the view of the writ petitioner that the minor is entitled to seek appointment upon attaining majority, even if the application is beyond the period of three years, after the death of the deceased employee. The Full Bench has considered all these aspects and approved the judgment of the Division Bench in the case of ***E.Ramasamy Vs. Tamil Nadu Electricity Board, W.A.Nos.336 of 2003, 997 of 2006 and 1006 of 2006, dated 18.09.2006***. It is held that the appointment on compassionate ground has to be strictly followed in accordance with the relevant G.Os or the scheme that has been framed by the employer and any deviation is not permissible.”

5. This position is in consonance with the statutory scheme set out in Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023. The petitioner ought not to look at compassionate appointment as a source of recruitment. It is primarily intended to relieve a family in distress. The petitioner's father died 18 years ago. The petitioner was one year old during the relevant time. The petitioner cannot be heard to contend that the right will accrue to him after he attains the age of majority. The said legal position has been clarified by the Hon'ble Division Bench in the aforesaid decision.



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6. Respectfully applying the said ratio, I sustain the order impugned in the writ petition. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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