



W.P.(MD).No.6186 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6186 of 2022

S.Arun

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary to the Government,
Social Welfare and Nutritious Meal Programme,
Fort St. George,
Chennai – 9.
- 2.The Commissioner,
Social Welfare and Nutritious Meals Scheme Department,
Panagal Building, Second Floor,
Saidapettai,
Chennai – 15.
- 3.The District Collector,
Thoothukudi District,
Thoothukudi.
- 4.The Commissioner,
Panchayat Union,
Tiruchendur.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the third respondent V9/28463/19, dated 08.12.2021 and quash the same and direct the



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respondents to provide suitable appointment to the petitioner on compassionate ground.

For Petitioner	: Mr.V.Kannan
For RR 1 to 3	: Mr.M.Prakash Additional Government Pleader
For R – 4	: Mr.A.K.Manikkam Special Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the third respondent, dated 08.12.2021 and direct the respondents to provide a suitable appointment to the petitioner on compassionate grounds.

2.The petitioner's mother Jeyasree was working as a Noon Meal Organizer in Senthil Murugan Government Higher Secondary School at Tiruchendur. While she was in service, she died on 12.01.2019 and she was survived by the petitioner alone. Hence, the petitioner made an application seeking appointment on compassionate



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grounds on 22.08.2019 to the Commissioner, Panchayat Union, Tiruchendur, who in turn forwarded the said application along with his recommendation letter dated 03.10.2019 to the District Collector, Thoothukudi District, Thoothukudi. The District Collector vide letter dated 07.11.2019 directed the petitioner to submit certain documents enabling them to forward his application to the Government for getting necessary relaxation. However, on 08.12.2021, the impugned order was passed by the third respondent rejecting the claim for appointment of the petitioner on the ground that Noon Meal Organizer post could be given only for women candidates and since the petitioner is a male, his application should not be considered. Challenging the same, the Writ Petition came to be filed.

3.Heard Mr.V.Kannan, learned counsel appearing for the petitioner, Mr.M.Prakash, learned Additional Government Pleader, appearing for the respondents 1 to 3 and Mr.A.K.Manikkam, learned Special Government Pleader appearing for the fourth respondent.

4.In view of the order passed by this Court in W.P(MD)No.16773 of 2021, dated 07.03.2022 (P.Paraniselvan Vs. The Principal Secretary to Government and others), a similar case has been



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dealt with and favourable order to the petitioner has been granted and the relevant portion of the same is extracted as follows:-

"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."



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5.In the light of the said order, this Court directs the third respondent to consider the case of the petitioner and include the name of the petitioner in the general list of persons waiting for compassionate appointment and offer him with an appropriate appointment when his turn comes.

6.With the above direction and observation, this Writ Petition is disposed of. There shall be no order as to costs.

07.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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