



W.A.(MD).No.823 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.823 of 2021
and
C.M.P.(MD).Nos.3659 and 3660 of 2021

S.Santhanakrishnan

.. Appellant/Petitioner

Vs.

- 1.The Director,
O/o. the Directorate of Collegiate Education,
College Road,
Chennai - 6.
- 2.The Regional Joint Director of Collegiate Education,
Trichy Region,
Race Course Road,
Trichy - 20.
- 3.The Secretary,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.
- 4.The Principal,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.



W.A.(MD).No.823 of 2021

5.P. Sakthivel,
Junior Assistant,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.

6.S. Jeyanthi,
Junior Assistant,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.

7.R.V.Rajendran,
Lab Assistant,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.

8.E.Madhavan,
Lab Assistant,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.

9.K.Vijayakumar,
Office Assistant,
Urumu Dhanalakshmi College,
Kattur,
Tiruchirapalli - 19.

..Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 10.02.2021 passed by this Court in W.P.(MD).No. 4120 of 2016 and allow the Writ Appeal as prayed for.



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W.A.(MD).No.823 of 2021

For Appellant : Mr.A.Nawaz Khan
for M/s.Ajmal Associates

For R-1 & R-2 : Mr.D.Sadiq Raja
Additional Government Pleader

For R-3 to R-6, : Mr.V.Ragatheesh Kumar
R-8 & R-9 for M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was delivered by V.LAKSHMINARAYANAN,J.)

The present Writ Appeal has been instituted challenging the order dated 10.02.2021 passed in W.P.(MD).No.4120 of 2016.

2. The appellant's father was working as a Laboratory Assistant in the third respondent College. He died in harness on 09.11.2003. The appellant's mother submitted an application dated 21.07.2004 for appointment of the appellant on compassionate grounds. Considering the case of the appellant, appointment was also made by the institution and he was appointed on 02.03.2005. Therefore, the request for compassionate appointment was not only positively considered, but an appointment was also issued.



W.A.(MD).No.823 of 2021

WEB COPY

3. It is the case of the appellant that he was appointed to a management post and not to an aided post, which is available in the institution.

4. The scheme of compassionate appointment only contemplates that a person should be accommodated so as the family gets over the penurious circumstances surrounding the sudden death of the bread winner. Apart from that, Mr.K.Ragatheesh Kumar, learned counsel for the respondents 3 to 6, 8 and 9 would submit that there is no scheme for providing compassionate appointment in the fourth respondent institution.

5. Compassionate appointment is an exception to the normal rule of employment and as an exception to the said rule, it contemplates the existence of scheme to accommodate the person for appointment on compassionate grounds. When there is no scheme, the Court cannot create a scheme for the petitioner and direct the institution to accommodate him. Furthermore, the petitioner having been already accommodated is not entitled to challenge the recruitment notification issued by the College.



W.A.(MD).No.823 of 2021

6. Mr.K.Ragatheesh Kumar would further submit that the recruitment had taken place and selected persons have already been appointed. The petitioner had served in the said post and had unauthorisedly absented himself from the year 2016. Therefore, we do not find any reason to interfere with the order of the learned Single Judge.

7. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
16.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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W.A.(MD).No.823 of 2021

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W.A.(MD).No.823 of 2021

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