



W.P.(MD).No.16872 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.16872 of 2023

S.K.Ahish Ram

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The District Collector,
Tenkasi District.

3.The Director,
Sericulture Department,
Salem District.

4.The Assistant Director,
Sericulture Department,
Tenkasi 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 impugned order in Na.Ka.A2/11254/2021, dated 21.04.2023 issued by the second respondent and quash the same and consequentially directing the respondents to provide the compassionate appointment to the petitioner to the post of Record Clerk.



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For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed challenging the order passed by the second respondent herein, wherein the request of the writ petitioner on the ground of compassionate appointment has been rejected.

2. According to the writ petitioner, his father was working as an Assistant Inspector in the Department of Sericulture and he died in harness on 27.01.2013. The petitioner has further submitted that his younger brother is a mentally challenged person. The petitioner has submitted a detailed representation on 02.12.2013 along with all necessary documents and the same was also received and acknowledged by the respondents 3 and 4.

3. According to the petitioner, on 18.11.2014, the third respondent had addressed a communication, registering the priority for providing compassionate appointment. However, the District Collector, Tenkasi has published a seniority list on 04.01.2022, in which, the name of the petitioner is



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reflected in serial No.10. The second respondent herein has passed the present impugned order on 21.04.2023 to the effect that in Tenkasi District in Revenue as well as in Rural Development Department, there are no vacancies as on today which is commensurate with the educational qualification of the writ petitioner. In the said impugned order, the second respondent has requested the petitioner to approach the parent Department to get an appointment order. This order is under challenge in the present writ petition.

4. According to the learned Counsel appearing for the writ petitioner, in the seniority list published by the second respondent herein, one Mr.M.Karthikeyan and Mr.M.Eswaran figured as serial No.12 and 13 as juniors in the seniority list. However, they have been recommended by the Department for appointment to the post of Record Clerk, which is a newly sanctioned post in the District Collectorate of Tenkasi.

5. The learned Special Government Pleader appearing for the respondents herein clarified that the said Karthikeyan was appointed as a Watchman and Eswaran has been accommodated as a Driver in two different Departments. Considering the educational qualification and the request made



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by the writ petitioner, he could not be accommodated as a Driver or as a Watchman. Therefore, the grievance of the writ petitioner that his juniors in the seniority list have been accommodated giving priority is not legally sustainable.

6. Heard both sides and perused the records.

7. As per the seniority list that is forwarded by the District Collector, Tenkasi to the Special Government Pleader by proceedings, dated 02.08.2023, the name of the writ petitioner is shown in serial No.3. On instructions, the learned Counsel appearing for the petitioner submits that his client is ready to accept any post which is not below the rank of Record Clerk. Therefore, the order of the District Collector refusing to grant appointment in the entire District in the District Collectorate Office and directing the writ petitioner to approach the parent Department, namely, Sericulture Department is not legally sustainable and the same is set aside.

8. The respondents are directed to consider the request of the petitioner for any post which is not less than the cadre of Record Clerk as and when vacancy arises in the order of seniority, as per the seniority list enclosed in the proceedings, dated 02.08.2023.



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9. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

05.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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- 3.The Director,
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R.VIJAYAKUMAR, J.

BTR

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