



W.A.(MD)No.1200 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1200 of 2020

and

C.M.P.(MD)Nos.6598 of 2020

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of School Education,
Secretariat, Chennai-600 009.
- 2.The Director,
Directorate of School Education,
Chennai.
- 3.The District Educational Officer,
Madurai.
- 4.The Headmaster,
Government Higher Secondary School,
Palamedu, Madurai District.

... Appellants

Vs.

Vignesh Raja

...Respondent



W.A.(MD)No.1200 of 2020

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.18508 of 2014, dated 30.08.2018 on the file of this Court.

For Appellants : Mr.D.Sadiq Raja,
Additional Government Pleader
For Respondent : Mr.K.S.Durai Pandian

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The claim of the writ petitioner, seeking appointment on compassionate ground is the subject matter of the appeal before us instituted by the State of Tamil Nadu.

2.It is not in dispute that the mother of the respondent was employed as B.T. Assistant in the School Education Department and died on 10.09.2004, while she was in service. The respondent filed an application on 06.09.2007, seeking appointment on compassionate ground. On the date of application, he was a minor and therefore, not eligible to avail the scheme of compassionate appointment. Thus, the application itself is not entertainable and admittedly, the respondent attained the age of majority after a lapse of three years from the date of death of the deceased employee.



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3.The scheme of compassionate appointment is a concession and the scheme being special one cannot be extended in violation of the terms and conditions stipulated in the scheme. The very purpose and object of the scheme is to mitigate the circumstances arisen on account of the sudden death of an employee. Therefore, the penurious circumstances existing in the family of the deceased employee and other requirements in consonance with the terms and conditions of the schemes are to be verified for the purpose of extending the benefit of appointment on compassionate ground.

4.The scheme of compassionate appointment is violative of Articles 14 and 16 of Constitution of India. All the appointments are to be made strictly under the Constitutional schemes and through open competitive process by following the procedures as contemplated. Equal opportunity in public employment is the Constitutional mandate and thus, any other special scheme introduced for the welfare of the employees is to be granted scrupulously by following the terms and conditions stipulated and any violations would lead to unconstitutionality and deprive the constitutional rights of the lakh and lakh of persons, who are all aspiring to secure public employment through open competitive process.



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5.In the present case, the respondent was a minor on the date of submission of the application. Therefore, he is not falling under the ambit of the scheme and thus, the order passed by the learned Single Judge is running counter to the conditions stipulated under the scheme of compassionate appointment. Therefore, the order passed by the learned Single Judge dated 30.08.2018 made in W.P.(MD)No.18508 of 2014 is set aside and this Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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