



WEB COPY



W.P.No.6940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2024

CORAM :

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.No.6940 of 2024

W.M.P.No.7736 of 2024

K.J.Blesson Tijo

...Petitioner

-Vs-

- 1.The Secretary to Government,  
School Education Department,  
Secretariat, Chennai – 9.
- 2.The Director,  
School Education Department,  
DPI Complex,  
College Road, Chennai – 600 006.
- 3.The Chief Education Officer,  
Erode District,  
Erode.
- 4.The District Education Officer  
Bhavani Educational District  
Bhavani, Erode District.
- 5.The Head Master,  
Govt. Boys Higher Secondary School  
Anthiyur, Erode District.

...Respondents



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**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 on the file of the 3<sup>rd</sup> and 4<sup>th</sup> respondents in connection with the impugned rejection of the petitioner's applications for compassionate appointment vide their proceedings in Na.Ka.No.2512/C1/2019 dated 31.05.2019 in Na.Ka.No.3898/A1/2021 dated 26.02.2021 and quash the all as illegal and arbitrary and there by direct the respondents to appoint the petitioner in any post under compassionate ground by taking account of the customary divorce of his parents dated 23.08.2013 in the light of the explanation provided in rule 3(b) of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023.

For petitioner : Mr.L.Ramu

For respondents : Mrs.S.Mythreye Chandru  
Special Government Pleader

### **ORDER**

This writ petition has been filed challenging the order passed by the third and fourth respondents dated 31.05.2019 and thereby rejected the request made by the petitioner seeking compassionate appointment.



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2. The petitioner's father working as B.T Assistant in Government School. He died in harness on 05.11.2017. At the time of petitioner's father's demise, the petitioner had completed his B.E., degree. Immediately, the petitioner submitted application seeking appointment on compassionate ground. However, it was rejected on 31.05.2019 and raising certain queries. The 4th respondent also returned the petitioner's application by an order dated 26.02.2021 and rejected on the ground that the petitioner failed to produce any divorce order between the petitioner's father and his mother since she is working in the TamilNadu Electricity Board.

3. On perusal of the records revealed that the specific case of the petitioner is that the petitioner's mother got married his father Kamalan and gave birth to one male and one female child. Thereafter, they got separated due to misunderstanding and they themselves dissolved their marriage by way of Customary Divorce Agreement of the petitioner's parents dated 23.08.2013. Therefore, at the time of retirement of the petitioner's father, the petitioner's mother is not living with his father. Otherwise, they got customary divorce, unless, the Court granted divorce and the customary divorce accepted in the rule, it cannot be accepted for any purpose.



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4. As per G.O.Ms.No.33, Labour Welfare and Skill Development

(Q1) Department dated 08.03.2023 the eligibility of the family of a deceased or medically invalidated Government Servant, for appointment on compassionate grounds are subject to certain conditions i.e., the family must be in indigent circumstances, no member of the family shall be in regular employment in Government or any Private enterprise, where a member of the family is in regular employment and is living separately without providing any monetary assistance to the family before the death or retirement on medical invalidation of the Government servant, shall not make the family ineligible. The petitioner's mother is employed in TamilNadu Electricity Board. Further, the Tahsildar issued legal heirship certificate, it shows that the petitioner's mother was showed as wife of the deceased Kamalan and the petitioner and his sister showed as son and daughter of the deceased Kamalan. Therefore, they are the legal heirs of the deceased Kamalan. Now, the petitioner cannot say that the petitioner's father and his mother got divorced under customary method. Therefore, the request made by the petitioner was rightly rejected.



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5. Hence, this court cannot find any infirmity or illegality in the order passed by the 3rd and 4th respondents dated 31.05.2019 and 26.02.2021. Therefore, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

18.03.2024

Index : Yes/No  
Speaking/Non-Speaking order  
Neutral Citation : Yes/No  
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**G.K.ILANTHIRAIYAN,J.**  
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To

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