



W.P.No.31100 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.31100 of 2015

M.Masthan Javeed Alli

...Petitioner

Vs.

1.The Chief Engineer, (Personnel)

(Administrative Branch),

Tamil Nadu Electricity Board,

No.800, Anna Salai,

Chennai.

2.The Superintendent Engineer,

Dharmapuri Electricity Distribution Circle,

Tamil Nadu General and Distribution Corporation,

Dharmapuri-5.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified Mandamus, directing to call for the records to the impugned proceedings of the 2nd respondent in his Ka.No.849/Ni.Pi.2/V.1/Ko.Va.Ve/2024 dated 10.12.2014, quash the same and consequently direct the respondents herein to provide appointment on



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compassionate ground to the petitioner in any suitable post according to his qualification in the light of the order in W.P.No.23561 of 2009 and W.P.No.20137 of 2015 dated 20.09.2010 and 08.07.2015 respectively

For Petitioner : M/s.R.Thamaraiselvan

For Respondents : Mr.C.Manoharan

ORDER

One B.Magbool was working as the Foreman Grade I in the office of the Assistant Engineer, Krishnapuram within Electricity Distribution circle of the 2nd respondent died on 02.01.2011 while in service leaving behind him, his wife and daughters and the petitioner herein, besides his mother, as his legal heirs. Thereafter, the petitioner made an application for compassionate appointment by submitting an application on 28.12.2013. The respondents considered the said application submitted by the petitioner and the same was rejected by the impugned proceedings dated 10.12.2014 on the ground that the petitioner did not possess the minimum qualification of pass in 8th Standard for being appointed to the post of Office Assistant. It is aggrieved by the said order dated 10.12.2014, the petitioner has approached this Court by filing the present writ petition.

2.The 2nd respondent filed a counter affidavit contending that it was



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in terms of the memo issued by the 1st respondent bearing Memo No.038252/587/G8/G82/2001-2 dated 24.05.2001, the applicant seeking appointment should possess minimum Educational qualification i.e., pass in 8th standard. In view of the said memo, the claim of the petitioner for being appointed to the post of Office Assistant on compassionate ground was rejected for want of possessing the Educational qualification of passing 8th Standard.

3.As against the said contention, learned counsel for the respondents placed reliance on the Tamil Nadu Electricity Board Regulation No.94 which say that, in terms of Annexure 3, the qualification for the post of Groundsman is only pass in 4th standard and insofar as the post of Gardener, Watchman, Sweeper and Sanitary worker are concerned, the ability to read and write itself is sufficient. He also further contended that in terms of Annexure 3, in case of compassionate appointment the requirement of ability to read and write is also required to be relaxed and shall not be insisted in respect of the candidates being considered for compassionate appointment.

4.This Court has carefully considered and submissions made on



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either side.

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5.The fact that the petitioner is entitled for compassionate appointment is not disputed by the respondent but the only ground on which the claim of the petitioner was rejected is for want of possessing the minimum educational qualification of passing 8th standard. As seen from the application submitted by the petitioner, she has not sought for appointment to any specific post but only sought for compassionate appointment.

6.As rightly contended by the learned counsel for the petitioner, in terms of the Tamil Nadu Electricity Board Regulation 94, there is no minimum education qualification prescribed for the post of watchman, Gardener, Sweeper and Sanitary Worker. The minimum education qualification prescribed for the Groundsman 'A' is only a pass in 4th standard. Therefore, the action of the respondent in issuing the impugned proceedings rejecting the claim of the petitioner by placing reliance on the memo said to have been issued by the Chief Engineer is totally arbitrary. Once the respondent/Board adopts a scheme for compassionate appointment, the benefit of such scheme cannot be denied by placing reliance on the memo said to have been issued by



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the Chief Engineer. The question of insisting for possessing minimum educational qualification of pass in 8th standard, without reference to the post for which the candidature of the petitioner is being considered, is totally arbitrary. It is not as if the petitioner was found ineligible for any of the post existing in the respondent/Board. Hence, the reason furnished in the impugned order is wholly unsustainable and as such the impugned order is also liable to be declared as illegal and arbitrary.

7.In the light of the above, the impugned order is set aside. Consequently, the respondents are directed to reconsider the claim of the petitioner for being appointed to any of the post existing in the respondent/Board on compassionate ground and issue appropriate appointment orders as expeditiously as possible at any rate within a period of six weeks from the date of receipt of a copy of this order.

8.Accordingly, the writ petition stands allowed. No costs.

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vsn



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To

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MUMMINENI SUDHEER KUMAR, J.

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