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W.A.No.1790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.1790 of 2024

1.The Director of School Education,
D.P.I. Compound,
College Road, Chennai-6.

2.The Chief Educational Officer,
Coimbatore.

3.The District Educational Officer,
Coimbatore.

.. Appellants

Vs

M.Sanitha

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 31.10.2023 passed by the learned Single Judge in W.P.No.5268 of 2020.

For the Appellants : Mr.J.C.Duraiaraj
Addl. Government Pleader

For the Respondent : Mr.S.N.Ravichandran



WEB COPY



W.A.No.1790 of 2024

JUDGMENT

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Heard Mr.J.C.Durairaj, learned Additional Government Pleader for the appellants and Mr.S.N.Ravichandran, learned counsel for the respondent.

2. Challenging the order of the learned Single Judge dated 31.10.2023 passed in W.P.No.5268 of 2020, the respondents in the writ petition have filed the present appeal.

3. The original writ petitioner/respondent herein filed the writ petition seeking to quash the order of the second appellant dated 20.6.2019, which was confirmed by the third appellant under order dated 19.6.2018 and to direct the appellants to provide suitable employment to her on compassionate grounds.

4. The learned Single Judge, while setting aside the orders passed by the second and third appellants, directed the appellants to



W.A.No.1790 of 2024

provide suitable employment to the original writ petitioner/respondent herein under the compassionate scheme within a period of six weeks from the date of receipt of the copy of the said order.

5. Assailing the order of the learned Single Judge, learned Additional Government Pleader, submitted that the learned Single Judge failed to appreciate that the original applicant (mother of the respondent herein) had not submitted an application/letter to any of the appellants to provide appointment on compassionate grounds in favour of her daughter, by enclosing a medical certificate to support her incapacitation, if any. The respondent is a married daughter of the original applicant and, therefore, she is not entitled to appointment on compassionate grounds. Hence, he prayed for setting aside the order of the learned Single Judge and allowing the writ appeal.

6. On the other hand, learned counsel for the respondent submitted that an identical issue has been considered by this Court in W.A.No.2390 of 2022 dated 6.3.2023 and the present appeal



W.A.No.1790 of 2024

WEB COPY

deserves to be dismissed.

7. As rightly pointed out by learned counsel for the respondent, an identical issue has been considered by this Court in W.A.No.2390 of 2022 decided on 6.3.2023 (***K.Vijaya v. The General Manager (Admn), Tamil Nadu Civil Supplies Corporation, Headquarters, Kilpauk, Chennai-10 and others***), wherein, after citing the order of the Apex Court in the case of ***State of Karnataka and others v. C.N.Apporva Shree and another, Special Leave to Appeal No.20166 of 2021, dated 22.3.2021***, it has been held as under:

"8. Admittedly, on the death of the deceased Government Servant, his wife has submitted an application seeking appointment on compassionate grounds to her elder son, but it was rejected on the ground that he is over aged as on that date. Therefore, another application was submitted to accommodate the appellant, who is her daughter, by providing her suitable employment on compassionate grounds. However, the second respondent, in the order dated 08.08.2016, which was impugned in the writ petition, has rejected the application on the ground that even during the life time of the deceased government, the appellant got married and therefore



WEB COPY



W.A.No.1790 of 2024

as a married daughter, she is not entitled for appointment on compassionate grounds. This conclusion of the second respondent is legally not sustainable. It is well settled proposition of law that even married daughters are also eligible for appointment on compassionate grounds. This view was reiterated by the Honourable Supreme Court in the order dated 22.03.2021 passed in Special Leave to Appeal No. 20166 of 2021 in the case of **The State of Karnataka and others vs. C.N.Apporva Shree and another** wherein it was held as follows:-

"We have heard the learned counsel for the petitioner (s) and have analysed the impugned judgment. We give our full imprimatur to the reasoning of the High Court, more so, as even the rule in question relied on by the petitioner to deny a married daughter a job on compassionate grounds while permitting it to a married son, has been quashed in the judgment of the Karnataka High Court in Bhuvanewari V.Purani v. State of Karnataka (2021) 1 AKR 444 (AIR Online 2020 Kar 2303). The Special Leave Petition is dismissed."

In the light of the above decision of the Honourable Supreme Court, ***we hold that even a married daughter is entitled for appointment on compassionate grounds*** and consequently, the order dated 27.09.2022 of the learned Judge in W.P. No. 38481 of 2016 has to be set aside.



W.A.No.1790 of 2024

WEB COPY

9. Accordingly, the order dated 27.09.2022 of the learned Judge in W.P. No. 38481 of 2016 is set aside. The matter is remanded back to the respondents to consider the case of the appellant for appointing her in any suitable post on compassionate grounds, if she is otherwise eligible. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. "

8. In view of the law enunciated in the decisions, referred supra, even married daughters are also eligible for appointment on compassionate grounds. Following the judgment rendered by us in W.P.No.2390 of 2022 dated 6.3.2023 (supra), we dispose of the writ appeal directing the appellants to consider the case of the respondent for appointing her in any suitable post on compassionate grounds, if she is otherwise eligible. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this judgment. There shall be no order as to costs. Consequently, C.M.P.No.12873 of 2024 is closed.

(R.M.D., ACJ.)

(M.S.Q., J.)



W.A.No.1790 of 2024

28.06.2024

WEB COPY

Index : Yes/No
NC : Yes/No
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To:

- 1.The District Collector cum
Inspector of Panchayat,
Ariyalur District.
- 2.The Block Development Officer,
Jayakundam,
Ariyalur District.
- 3.The Assistant Director Panchayat and Audit,
District Collectorate,
Ariyalur District.



WEB COPY



W.A.No.1790 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

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W.A.No.1790 of 2024

28.06.2024