



W.P.No.25833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.25833 of 2022
and W.M.P.No.24903 of 2022

R.Sangeetha

...Petitioner

-Vs-

1.The District Collector,
Krishnagiri District.

2.The Personal Assistant to Collector,
Noon Meal Scheme,
Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Na.Ka.No.35078/2020/XI dated 10.02.2022 and to quash the same and consequently, direct the respondents to grant compassionate appointment to the petitioner, due to the death of her mother, in any eligible post.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mr.R.U.Dinesh Raj Kumar, AGP

ORDER



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This writ petition is filed for quashment of the order of the first respondent in Na.Ka.No.35078/2020/XI dated 10.02.2022 and to quash the same and consequently, direct the respondents to grant compassionate appointment to the petitioner, due to the death of her mother, in any eligible post.

2. Heard the learned counsel on both sides and perused the materials available on record.

3. The case of the petitioner is that her mother namely, Suguna worked as Noon Meal Organiser under the Puratchithalaivar M.G.R. Noon Meal Scheme in Konampatti Panchayat Elementary School Krishnagiri District and while in service, she died on 19.07.2006, leaving behind her husband, son and two daughters as her legal representatives. The father of the petitioner had applied for compassionate appointment on 19.02.2007 and after many years, in the year 2020, he was informed that only female members can be appointed to the post of Noon Meal Organizer. Thereafter, on 01.06.2020, after a period of 13 years, the petitioner applied for the same and the same was rejected vide impugned order of the first respondent on the ground of limitation. Aggrieved by the same, the petitioner has filed the present petition.



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4. The learned counsel appearing for the petitioner submitted that after the demise of her mother, the father of the petitioner made a request before the respondents within the prescribed period of three years and after many years, the same was rejected on the ground that the petitioner is a male and only female members can be appointed to the post of Noon Meal Organizer. Thereafter, the petitioner made a representation and the same was also rejected on the ground of limitation. Therefore, she prayed that the petitioner be appointed to any post on compassionate grounds. In support of her contention, she relied on the following judgment of the Hon'ble Division Bench of this Court:

(i) W.A.(MD).No.1478 of 2017 [M.Vijayakumar Vs. the Director of School Education and others]

(ii) W.A.(MD).No.145 of 2023 [The State of Tamil Nadu and another Vs. R.Parvathavarthini]

5. The learned Additional Government Pleader appearing for the respondents submitted that the respondents had rejected the petitioner's claim on the ground that the petitioner had made a request for employment on compassionate grounds in place of her deceased mother beyond the prescribed



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time limit. Hence, he prayed the writ petition be dismissed. In support of his contention, he relied on the decision of the Hon'ble Supreme Court in the case of ***Fertilizers and Chemiccals Travancore Limited and others Vs Anusree K.B*** reported in ***2022 LiveLaw (SC) 819***.

6. In view of the submissions made and upon perusal of the judgments of the Hon'ble Division Bench of this Court, this Court is of the opinion that the matter can be remitted back to the respondents for fresh consideration. Accordingly, the respondents are directed to pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

7. With the above observations and discussions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2024

Internet: Yes
Index : Yes/No
vkr

To

1.The District Collector,
Krishnagiri District.



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2. The Personal Assistant to Collector,
Noon Meal Scheme,
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VIVEK KUMAR SINGH. J.

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