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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.30897 of 2024

S.Anushiya

..Petitioner

Vs.

1. The Joint Director,
Horticulture Department,
Government of Tamil Nadu,
Post Box No.72,
Udhagamandalam,
The Nilgiris – 643 001
2. The Director of Agriculture,
Government of Tamil Nadu,
1st Floor,
The Directorate of Agriculture building,
Chepauk, Chennai 600 005.
3. The Director of Horticulture,
Government of Tamil Nadu,
1st Floor,
The Directorate of Agriculture Building,
Chepauk, Chennai – 600 005.
4. The Principal Secretary to



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Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai 600 009

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents herein, in particular, the Joint Director of Horticulture, Government of Tamil nadu, the 1st Respondent herein not to insist on obtaining of No Objection Certificate from the mother of the deceased employee, Late M. Suresh, for the further process of the Application given by the petitioner herein for appointment on compassionate grounds and pass such other or further orders.

For Petitioner : Mr.T.R.Sathiya Mohan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 to R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent not to insist for obtaining the No objection certificate from the mother of the deceased employee for the further process of the application submitted by the petitioner for appointment on compassionate grounds.



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2. Heard Mr.T.R.Sathiya Mohan, learned counsel for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for Respondents 1 to 4.

3. The case of the petitioner is that her husband was employed as an Assistant Horticulture Officer with the Horticulture Department at Udthagamandalam. He died in harness leaving behind the petitioner and his mother as his legal heirs. The petitioner submitted an application to the 1st respondent seeking for appointment on compassionate ground on 07.08.2020.

4. The grievance of the petitioner is that the 1st respondent was insisting for getting a no objection certificate from the mother of the deceased through communication dated 03.04.2023, apart from all the other documents. The mother in law is not in good terms with the petitioner and naturally she is refusing to give a No objection certificate. The representation made by the petitioner in this regard also did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.



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5. In the considered view of this Court, the No objection certificate from the mother in law is totally irrelevant for the purpose of considering the claim made by the petitioner seeking for compassionate appointment. The mother in law is aged about 71 years and therefore, she is not in contention to get compassionate appointment and therefore, there is no need to get the No objection certificate from the Mother in law. I don't think any mother in law will give No objection certificate to the daughter in law and help her in getting compassionate appointment. Therefore, the 1st respondent was insisting for an impossibility.

6. In the light of the above discussion, there shall be a direction to the 1st respondent to process the application submitted by the petitioner seeking for compassionate appointment without insisting for No objection certificate from the Mother in law of the petitioner. A final decision shall be taken on its own merits and accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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7. This writ petition is disposed of with the above directions. No costs.

24.10.2024

Internet : Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
rka

Note : Issue order copy on 29.10.2024

To

1. The Joint Director,
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Post Box No.72,
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4. The Principal Secretary to
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N. ANAND VENKATESH, J.

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