



WP(MD) No.7460 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.7460 of 2023

J.Suganya

.. Petitioner

Vs.

1. P.A to the District Collector (Development),
Madurai District.

2.The Block Development Officer(Village Panchayat),
Madurai East Panchayat Union,
Madurai.

3.The President,
Chinnamaangulam Village Panchayat,
Madurai District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Certiorarified



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Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.21462/2022/Oo.va.3 dated 06.10.2022 and quash the same and direct the 1st respondent to appoint the petitioner on compassionate grounds within a stipulated period of time.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the proceedigs of the 1st respondent in Na.Ka.No.21462/2022/Oo.va.3 dated 06.10.2022 and for a consequential direction to the 1st respondent to appoint the petitioner on compassionate grounds.

2. Heard Mr.K.Gokul, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government



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Pleader appearing for the respondents.

3. The petitioner's unmarried brother Nagarajan was working as Panchayat Secretary in the 3rd respondent Panchayat. and he died on 02.04.2022 while in service. Hence, the petitioner filed an application to the respondents for compassionate appointment. The said application was rejected vide impugned order dated 06.10.2022, stating that the applicant who claims the compassionate appointment for the deceased unmarried brother ought to have been an unmarried sibling and further she should be below 40 years. Challenging the same, the petitioner has filed this writ petition.

4. The learned Special Government Pleader attracted the attention of this Court to the G.O.Ms.No.18 dated 23.01.2020. He further submitted that the age limit prescribed under the scheme is applicable only for unmarried siblings and not for married siblings.



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In fact the married siblings do not at all come within the scheme because the scheme makes it clear that the unmarried siblings alone are entitled to get the compassionate appointment, if they fulfil the other criteria, *ie.*, they should be below 40 years.

5. In fact the petitioner is neither unmarried sister nor a person who is below 40 years. Hence, the petitioner does not fulfil the first line qualification itself for considering her for the grant of compassionate appointment.

6. The learned counsel for the petitioner submitted that the petitioner is living under indigenous circumstances and hence she is eligible to get the compassionate appointment. But the scheme which states about the indigenous circumstances has to be read along with the other criteria with regard to the qualification and hence, the petitioner is not eligible for getting compassionate appointment.



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7. In view of the above observations, this writ petition is
dismissed. No Costs.

06.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL

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R.N.MANJULA, J.

PJL

**Order made in
W.P.(MD)No.7460 of 2023**

**Dated:
06.06.2024**