



W.P.(MD).No.13770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13770 of 2024

and

W.M.P.(MD).Nos.12111 and 12113 of 2024

T.Nagarani

...Petitioner

Vs

- 1.The District Collector,
Virudhunagar District,
Collectorate,
Sattur Road,
Virudhunagar – 626 002.
- 2.The Additional Commissioner of Labour,
TNHB Building 1st Floor,
Ellis Nagar,
Madurai.
- 3.The Director of Adi-Dravidar Welfare,
Directorate of Adi-Dravidar Welfare,
Chepauk,
Chennai – 600 005.
- 4.The District Adi-Dravidar and
Tribal Welfare Officer,
District Collectorate Complex,
Virudhunagar,
Virudhunagar District.



W.P.(MD).No.13770 of 2024

5. The Assistant Director,
Fisheries and Fishermen Welfare Department,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the first and fifth respondents to appoint the petitioner as "Fisheries Assistant" in the fifth respondent Office, on the basis of the petitioner's seniority at Serial No.1 as per the first respondent's letter Na.Ka.A-98/6/2024-A6 dated 15.05.2024 within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumoorthy

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard Mr.A.Thirumoorthy, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the the first and fifth respondents to appoint the petitioner as "Fisheries Assistant" in the fifth respondent



W.P.(MD).No.13770 of 2024

Office, on the basis of the petitioner's seniority at Serial No.1 as per the first respondent's letter Na.Ka.A-98/6/2024-A6 dated 15.05.2024.

3. Mr.A.Thirumoorthy, learned counsel for the petitioner submitted that the petitioner's name found in the list of candidates who have been recommended for compassionate appointment. The letter of the District Collector dated 24.06.2024 has been produced by the learned Additional Government Pleader. Since the paper is in progress, the appointment order has to be issued only by the Government. However, the learned Additional Government Pleader submitted that among the list of candidates who have been recommended by the District Collector, the concerned authorities would select the appropriate candidates by conducting appropriate test and verifying the certificates and thereafter issue appointment orders. It is difficult to comprehend a selection process involved in the compassionate appointment and that applicants have to compete with the other candidates in such a process.

4. The appointment authority has to appreciate the qualification of the legal heir of the deceased and accommodate her in any appointment



W.P.(MD).No.13770 of 2024

in accordance suiting to her qualification and in accordance with the scheme for compassionate appointment.

5. In usual course, if the eligible candidate comes under the scheme, the appointment order will be issued on the basis of seniority. The list of candidates sent by the first respondent cannot be construed as candidates falling under the zone of consideration of a selection process and that some one would be selected among them under compassionate appointment scheme. This is totally in contradiction to the spirit and object of compassionate appointment. The applicant of the compassionate appointment cannot be treated as applicant competing to the posts called for the regular selection by participating in the competitive selection process or any other similar kind of procedure.

6. Hence, the appointing authority is directed to consider the qualification and other aspects concerning the petitioner under the lens of compassionate scheme and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD).No.13770 of 2024

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7. In view of the above observations, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The District Collector,
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- 2.The Additional Commissioner of Labour,
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- 3.The Director of Adi-Dravidar Welfare,
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Chepauk,
Chennai – 600 005.



W.P.(MD).No.13770 of 2024

WEB COPY

4.The District Adi-Dravidar and
Tribal Welfare Officer,
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5.The Assistant Director,
Fisheries and Fishermen Welfare Department,
Virudhunagar,
Virudhunagar District.



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W.P.(MD).No.13770 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.13770 of 2024

27.06.2024