



W.P.(MD)No.14727 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14727 of 2022

Nandhini

... Petitioner

vs.

1.The District Collector,
Dindigul District.

2.The Commissioner,
Panchayat Union,
Nilakottai,
Dindigul District.

3.R.Anandbabu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 herein to provide suitable employment to the petitioner on compassionate appointment by considering the petitioner's representation dated 23.06.2022 within a stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1



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ORDER

Heard Mr.C.Senthil Murugan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the first respondent.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus directing the respondents 1 and 2 herein to provide suitable employment to her on compassionate grounds by considering her representation dated 23.06.2022 within a stipulated time.

3. The petitioner's father who worked as a Noon Meal Organizer under the second respondent died on 14.06.2008 while in service. Subsequently, the third respondent, who is son of the first wife of the petitioner's father had applied for appointment on compassionate grounds. But, his claim was not considered favourably and a recommendation was sent by the first respondent to the second respondent on 20.06.2017 stating that only in the absence of female legal heir, the application submitted by the male legal heir can be considered for



appointment on compassionate grounds.

4. The Government Order in G.O.Ms.No.48, Social Welfare and Women Empowerment Department, 18.08.2021 would prescribe that the appointment on compassionate grounds for male legal heir can be provided only in the absence of eligible female legal heir. Only in accordance with the advise sent by the first respondent to the second respondent, the petitioner had forwarded her application through proper channel and her application has been considered. However, through the proceedings dated 08.04.2022, the petitioner was required to produce certain documents including No Objection Certificate from other legal heirs.

5. If the petitioner's father did not have any other daughter other than the petitioner, then, it might not be necessary to obtain No objection Certificate from other female legal heirs. Since the third respondent is the male legal heir of the deceased and he is ineligible to get the appointment when the female legal heir is available and who is the petitioner herein, I



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feel it is appropriate for the respondents 1 and 2 to consider the application of the petitioner for appointment on compassionate grounds.

6. In view of the above observations, the writ petition is **disposed of** and the respondents 1 and 2 are directed to consider the application of the petitioner dated 23.06.2022 for appointment on compassionate grounds after verifying the fact that the petitioner's family does not have any other female legal heir other than the petitioner and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

06.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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