



WP(MD). No.15901 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 16/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.15901 of 2024

Balapravinkumar M V

... Petitioner

Vs

1. The Director,
School Educational Department,
Directorate of School Educational Department,
Chennai..

2. The District Elementary Educational Officer,
Nagercoil,
Nagercoil District..

3. The Assistant Elementary Educational Officer,
Rajakkamangalam,
Kanyakumari District..

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, call for the records Na.Ka.No. 70631 / J/ E4/2023 dated 12.12.2023 quash the same as illegal and consequently directing the 1st respondent to consider the petitioners representation dated 27.09.2022 for appointment under



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compassionate ground in the place of his deceased mother P.Vanaja in any of the available appropriate post.

For Petitioner : Mr.V.Balaji,
For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.V.Balaji, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

3. The petitioner has filed this writ petition challenging the order of the 1st respondent dated 12.12.2023 and to consider the petitioner's representation dated 27.09.2022 for appointment under compassionate ground in any of the available/appropriate post.



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4. Pursuant to the death of the petitioner's mother, who was working in the respondent department, the petitioner has sent an application for compassionate ground appointment to the respondents, which was rejected on the ground that the petitioner has not attained majority at the time of filing the application and it is further observed that no reason stated as to why the other legal heirs did not come forward and file their applications and that 33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023 is not applicable to the case of the petitioner.

5. The learned Additional Government Pleader submitted that there are no indigent circumstances proved against the petitioner in order to afford him compassionate appointment.

6. The impugned order is also dealt with G.O.Ms.No.33 dated 08.03.2023. The reason assigned to reject the application of the petitioner is not only by citing that the petitioner had not attained majority at the time of filing the application but also there are other eligible legal heirs of the deceased, who are eligible to seek compassionate appointment on



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the date, when the Government servant died. However, the petitioner, who did not even attain the age of majority and who did not have the required qualification, had given the application.

7. There is no doubt that for the purpose of giving application, the age of the applicant need not be a hurdle. However, on the date of getting the appointment, the applicant should have attained majority. But that consideration can be given when there is no other legal heir and the only available legal heir is minor and he did not attain the age of majority and hence, someone on his behalf given the application, even before he attained majority and that appointment will be given only after attaining the majority.

8. Supposing if for any extraneous reasons, the only person, who can apply, is the petitioner herein, despite he was a minor at the relevant point of time, then, reasons have to be assigned as to why the other legal heirs have not given any application. The other features which have to be present for considering compassionate appointment is also not seen to be present in the petitioner's circumstances. The order has been passed by



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considering all circumstances in a comprehensive manner and hence, I do not find any merits. In the result, the writ petition is dismissed. No costs.

16.07.2024

RR

TO

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R.N.MANJULA,J

RR

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