



W.P.(MD)No.16368 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16368 of 2023

Singaperumal

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Melur Taluk,
Melur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, by calling for the records relating to the proceedings of the second respondent in Na.Ka.No.9725/2021/Aa4, dated 05.04.2022 and quash the same.

For Petitioner : Mr.M.Sureshkumar

For R-1 & R-2 : Mr.M.Ramesh,
Government Advocate

ORDER

Heard Mr.M.Sureshkumar, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for the respondents.



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2. This Writ Petition has been filed challenging the impugned order passed by the second respondent in Na.Ka.No.9725/2021/Aa4, dated 05.04.2022.

3. The petitioner's father was working as a Village Assistant at Maruthur Village, Melur Taluk and he died on 07.02.2018, while he was in service. The petitioner's mother submitted an application to the respondents on 29.07.2020 seeking appointment on compassionate grounds to her son. The petitioner's application was rejected stating that she has not applied the application within three years.

4. Mr.M.Sureshkumar, learned counsel appearing for the petitioner would submit that the petitioner's mother did not make any delay in view of the fact that the original application itself was filed on 29.07.2020 which was within three years from the date of death of her husband. Thereafter, the mother of the petitioner was advised to resubmit her application, for which, the petitioner again submitted an application on 06.12.2021 seeking appointment to him on compassionate grounds. But the same has been rejected on the ground that the petitioner has not submitted the application within three years from the date of death of his father.



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5. Since the petitioner's application has been rejected without considering his eligible age, this Court is inclined to set aside the proceedings of the second respondent.

6. In view of the above, this Writ Petition is **allowed** and the proceedings of the second respondent made in Na.Ka.No.9725/2021/Aa4, dated 05.04.2022 is set aside and the the matter is remanded to the file of the second respondent and the second respondent is directed to reconsider the petitioner's application and pass appropriate orders afresh on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Melur.



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R.N.MANJULA, J.

TSG

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