



W.P.(MD)No.16720 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.16720 of 2023

Kannan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Social Welfare and NMP Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Social Welfare,
Panagal Maligai 2nd Floor,
Saidapet, Chennai-15.

3.The Director of Social Welfare,
Chepauk, Chennai-05.

4.The Joint Director of Social Welfare,
Saidapet, Chennai-15.

5.The District Project Officer,
Oguvathi, Teynampet,
Chennai-18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order of the second respondent dated 13.01.2020 issued in Na.Ka.No. 9898/nir4(3)/2013 and the consequential impugned order of the fourth



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respondent dated 03.11.2022 issued in Na.Ka.No.9898/niru4(3)/2013 and quash the same and further direct the respondents to appoint the petitioner in any of the post in the respondent's Department according to his educational qualification under compassionate appointment.

For Petitioner : Ms.M.Anantha Devi

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Ms.M.Anantha Devi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. This Writ Petition has been filed challenging the impugned order passed by the second respondent in Na.Ka.No.9898/nir4(3)/2013, dated 13.01.2020 and the consequential impugned order passed by the fourth respondent in Na.Ka.No.9898/niru4(3)/2013, dated 03.11.2022 and consequently to direct the respondents to appoint the petitioner in any of the post in the respondents / Department according to his educational qualification under compassionate grounds.



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3. The petitioner's father was working as 'Office Assistant' in the third respondent Office and he died on 24.03.2010 while he was in service. At that time, the petitioner was a minor. The petitioner has submitted an application before the respondents to provide employment under compassionate grounds on 31.01.2013 and the second respondent has rejected the said application on 13.01.2020 after seven years stating that on the date of application he was a minor aged about 17 years, 8 months and 22 days. The petitioner has again made an application in the year June 2021 and the said application was dismissed on 03.11.2022 citing the very same reasons. But on the date of application, the petitioner has attained majority.

4. Since the petitioner's mother died in the year 2009 and the petitioner's father died in the year 2010, it would be appropriate to direct the respondents to consider the petitioner's applications on merits.

5. In view of the above, this Writ Petition is **allowed** and the impugned order passed by the second respondent in Na.Ka.No.9898/nir4(3)/2013, dated 13.01.2020 and the consequential impugned order passed by the fourth respondent in Na.Ka.No.9898/niru4(3)/2013 dated 03.11.2022 are set aside and the fourth respondent is directed to consider the second application submitted



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by the petitioner in the year 2021 and pass appropriate orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

10.06.2024

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

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Social Welfare and NMP Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Social Welfare,
Panagal Maligai 2nd Floor,
Saidapet, Chennai-15.
- 3.The Director of Social Welfare,
Chepauk, Chennai-05.
- 4.The Joint Director of Social Welfare,
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- 5.The District Project Officer,
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R.N.MANJULA, J.

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