



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19415 of 2024

and

W.M.P(MD)No.16478 of 2024

P.Selvarani

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Backward Classes, Most Backward Class and
Minorities Welfare Department,
Secretariat, Chennai – 9.

2.Commissioner,
Directorate of Backward Classes Welfare,
Ezhilagam, Chepauk,
Chennai – 600 005.

3.The District Backward Classes and Minorities Welfare Officer,
Thanjavur District,
Thanjavur.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarifie Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned indorsement rejecting compassionate appointment vide his proceedings in Tha.Pa.285/2022/Oo.I dated 20.10.2023 and quash the same as arbitrary and consequently direct the



3rd respondent to appoint the petitioner in any suitable post based on her qualification like Junior Assistant or at least in the post of Sweeper by getting appropriate orders of relaxation from the 2nd and 1st respondent under Rule 17 of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rule, 2023 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant writ petition has been filed by a wife of a deceased employee, challenging the order passed by the third respondent herein, wherein her request for compassionate appointment has been rejected on the ground that there is no provision as per the Government orders.

2.The learned Counsel appearing for the writ petitioner has brought to the notice of the Court that the second respondent herein by way of proceedings dated 17.05.2023 had catalogued the list of beneficiaries who are likely to be appointed under compassionate grounds on the basis of date of death seniority. In the said list, the name of petitioner is found in serial number 20. In the said proceedings, the second respondent has directed the District Backward Class



and Minority welfare Officer of all the districts to be ready for issuance of appointment orders. However, under the impugned order dated 20.10.2023, the third respondent has rejected the request of writ petitioner on the ground that there is no provision for granting compassionate appointment as per the Government orders.

3.It is clear that the order impugned in the writ petition is in violation of the orders passed by the second respondent herein and the third respondent has to strictly comply with the directions issued by the second respondent.

4.In view of the above said facts, this Court is inclined to pass the following order:-

a)the order impugned in the writ petition is hereby set aside and the matter is remitted back to the third respondent with a direction to strictly comply with the order of the second respondent and pass orders as per instructions of the second respondent; and

b)the second is directed to expedite the proposals as per his instructions dated 17.05.2023 and give proper instructions to the third respondent herein within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

25.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

1.The Secretary to Government,
Backward Classes, Most Backward Class and
Minorities Welfare Department,
Secretariat, Chennai – 9.

2.The Commissioner,
Directorate of Backward Classes Welfare,
Ezhilagam, Chempauk,
Chennai – 600 005.

3.The District Backward Classes and Minorities Welfare Officer,
Thanjavur District,
Thanjavur.



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R.VIJAYAKUMAR, J.

RJR

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