



W.P.(MD)No.25303 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.25303 of 2023

Mohammed Thowfik

... Petitioner

vs.

1.State of Tamil Nadu Represented by,  
The Principal Secretary,  
School Education Department,  
State of Tamil Nadu,  
Fort St.George, State Secretariat,  
Chennai.

2.Directorate of School Education,  
Represented by,  
The Commissioner,  
DPI Complex, College Road,  
Chennai.

3.The Chief Educational Officer,  
Office of the Chief Educational Officer,  
Head Post Office Road,  
Ramanathapuram District.

4.The Principal,  
Government Higher Secondary School,  
Pandugudi,  
Ramanathapuram District.

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide employment to the petitioner on compassionate grounds consequent to the death of the petitioner's father on the basis of the communication issued by the third respondent in Na.Ka.No.4924/A1/2021 dated 13.10.2021 in accordance with law within a stipulated time.

For Petitioner : Mr.S.Ramesh Kumar  
For Respondents : Mr.T.Amjadkhan  
Government Advocate

### **ORDER**

Heard Mr.S.Ramesh Kumar, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the respondents to provide employment to him on compassionate grounds consequent to the death of his father on the basis of the communication issued by the third respondent in Na.Ka.No.4924/A1/2021 on 13.10.2021.



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**3.** Mr.S.Ramesh Kumar, learned counsel appearing for the petitioner submitted that despite the petitioner has made an application as early as on 26.07.2021, in view of the death of her father who worked as a Junior Assistant in the fourth respondent School, on 28.11.2020, no appointment on compassionate ground has been released till date. In fact, in the communication of the third respondent to the second respondent dated 13.10.2021, it has been stated that the petitioner's application has been considered favourably. However, it is kept in the seniority list for issuance of appointment order.

**4.** Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents submitted that the appointment order under the compassionate appointment scheme has been issued to the applicants who had made their applications during the year 2016 and the petitioner will be given with an appointment when a vacancy arises.

**5.** The very object of the compassionate appointment scheme itself is rescue of the family of the deceased from the financial crunch



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demand they face immediately due to the death of the bread winner of the family. It is understandable that the appointments can be released basing upon the seniority. But the inordinate delay involved in releasing the appointment would frustrate the very object of the scheme.

6. It is learnt from the submissions of the learned Government Advocate that, so far, only for those applicants who have made their applications during the year 2016, appointments have been released. The applicants who would be waiting for the appointment order cannot be expected to manage their life for decades or more, by availing more and more loans and thereby incurring debts. Unless the Government is considerate and release certain posts for appointment through compassionate appointment scheme, it is difficult for the list to move reasonably. The Government has to show benevolence in these type of matters and do the needful for the issuance of earlier appointment orders under this scheme.



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7. With the above observations, the writ petition is **disposed of**

and the second respondent is directed to continue the communication with the Government in the light of the above observations and ensure the appointment is released at the earliest. No costs.

10.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

*mbi*



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WEB COPY

To

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R.N.MANJULA, J.

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