



W.P.(MD)No.26673 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.26673 of 2023

M.Nagalakshmi

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Limited,
Byepass Road, Madurai.

2.The General Manager,
Tamilnadu State Transport Corporation (Madurai) Limited,
Dindigul Zone, Dindigul District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to appoint the petitioner on the basis of her educational qualification on compassionate grounds with consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.K.Ramaiah,
Standing Counsel



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ORDER

Heard Mr.A.Balaji, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the respondents to provide appointment to her on compassionate grounds on the basis of her educational qualification within a stipulated time.

3. The petitioner's husband who worked as a Driver in the respondent Corporation met with an accident in the year 2019, subsequently ended up in Coma and thereafter died on 28.01.2021. The petitioner has made an application to the respondents on 05.06.2021 seeking compassionate appointment, for which, the respondent Corporation has sent a reply stating that the petitioner's application is kept under seniority no.514 and it would be considered if any vacancy falls in



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the Department. Subsequently, the petitioner has been continuously giving representations to the CM Cell and the respondent Corporation seeking appointment on compassionate grounds. One such representation was given to the District Collector on 04.09.2023, which in turn was forwarded to the respondent Corporation. In pursuance thereof, the respondents conducted Conductor Test and rejected the petitioner since she is under the height requirement and they placed the petitioner in seniority no.899, which is in contradiction to the earlier communication, wherein she was kept under seniority no.514. Hence, the writ petition.

4. Mr.A.Balaji, learned appearing for the petitioner submitted that two of the petitioner's children have got some physical disability and another child is a special child. In fact, the petitioner's application dated 05.06.2021 was considered and she was placed in seniority no.514. However, now the respondent Corporation sent another communication stating that the petitioner is placed in the wait list no.899.



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5. The petitioner has three children and considering her pathetic situation, the respondent Corporation has taken a policy decision to offer her an appointment on compassionate grounds. However, if the petitioner is not given the appointment within a reasonable time, then it will be difficult for her to maintain her three children who have got certain special conditions.

6. Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents submitted that seniority no.899 is a State wise seniority and seniority no.514 is the seniority maintained within the region.

7. However, considering the special circumstances of the petitioner, I feel this is a deserving case where the respondents have to workout among them and release an appointment to the petitioner at the earlier point of time.

8. In view of the above observations, the writ petition is **disposed of** and the first respondent is directed to issue an order of



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appointment to the petitioner suiting to her qualification and in accordance with the compassionate appointment scheme within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

10.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

mbi



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R.N.MANJULA, J.

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