



W.P.(MD)No.30760 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.30760 of 2023

A.Karpaga Arul Kuzhali

... Petitioner

vs.

1.The District Collector,
Pudukkottai District.

2.The District Revenue Officer,
Collectorate Campus,
Pudukkottai District.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Alangudi Taluk,
Pudukkottai District.

4.The Tahsildhar,
Alangudi Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to quash the impugned proceedings of the fourth respondent in Na.Ka.No. 2291/2017/Aa4 dated 03.04.2017, which is an antedated rejection order



W.P.(MD)No.30760 of 2023

passed in the year 2023 on the petitioner's application dated 17.03.2017 and pass fresh orders for appointing her in a suitable post on compassionate ground by considering her representation dated 06.10.2023 within a stipulated time.

(Prayer amended vide Court order dated 06.02.2024 in W.M.P.(MD)No. 248 of 2024 in W.P.(MD)No.30760 of 2023)

For Petitioner : Ms.R.Karthika

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

ORDER

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

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus to quash the impugned proceedings of the fourth respondent in Na.Ka.No.2291/2017/Aa4 dated 03.04.2017 and pass fresh orders for appointing her in a suitable post on compassionate



W.P.(MD)No.30760 of 2023

grounds by considering her representation dated 06.10.2023 within a stipulated time.

3. The petitioner's father who worked as a Village Assistant in L.N.Puram, Alangudi Taluk, Pudukkottai District died on 22.08.2016 while in service. The petitioner's father had two wives. The first wife had no issues. The petitioner's mother, who is the second wife has made an application to the respondents on 17.03.2017 seeking compassionate appointment for the petitioner. However, the same was rejected by the fourth respondent on 03.04.2017 stating that the petitioner had not attained majority at the time when the application was made. Hence, the writ petition.

4. Ms.R.Karthika, learned counsel appearing for the petitioner submitted that the age limit mentioned in the appended Notification of the Government Order in G.O.Ms.No.33, Labour Welfare and Skill Development (A1) Department, dated 08.03.2023 has not been taken into consideration by the fourth respondent. The relevant portion of the same



W.P.(MD)No.30760 of 2023

is extracted hereunder.

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"6.Age Limit.-

(1) ...

(2) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, there shall be no minimum age limit for the applicant on the date of application for appointment.

Provided that appointment shall not be provided unless the applicant completes eighteen years of age."

5. In the light of the above Government Order, there shall not be any minimum age for the applicant on the date of application for appointment; and the applicant should have completed 18 years only at the time of the appointment. Since, the impugned order has been passed in violation of the said Government Order, it is liable to be set aside.

6. In view of the above observations, the writ petition is **disposed of** and the impugned order of the fourth respondent in Na.Ka.No.2291/2017/Aa4 dated 03.04.2017 is set aside and the fourth respondent is directed to re-consider the application made by the



W.P.(MD)No.30760 of 2023

petitioner for compassionate appointment on 06.10.2023 in a holistic manner and pass orders afresh in accordance with law, otherwise on merits within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

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W.P.(MD)No.30760 of 2023

R.N.MANJULA, J.

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W.P.(MD)No.30760 of 2023

12.06.2024