



WEB COPY



W.P.No.8811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE G. ARUL MURUGAN**

Writ Petition No.8811 of 2025

Tmt.S.Neelavathi

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home (Courts) Department,
Fort St. George, Chennai 600 009.
2. The Registrar General,
High Court Madras,
Chennai 600 104.
3. The Principal District Judge/
Appointing Authority, Erode,
Erode 638 011.
4. The Chief Administrative Officer,
Principal District Court, Erode,
Erode 638 011.

... Respondents



W.P.No.8811 of 2025

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings order No.309/2021 dated 24.02.2022 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Junior Assistant/ Examiner from the date of initial appointment i.e., 24.02.2022 along with all backwages, continuity of service, seniority and other benefits.

For Petitioner : Mr.P.R.Ashok

For Respondents : Mr.K.H.Ravikumar
Government Advocate, for R1

Mr. S.Arjun Suresh,
Standing Counsel, for RR2 to 4

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

It is a rare case where the petitioner challenges the order appointing her on compassionate ground. The husband of the petitioner, who was working as Bench Clerk Grade II in the Judiciary, died of Covid-



W.P.No.8811 of 2025

19 on 30.05.2021. In order to alleviate the immediate difficulty that may arise to the family, the petitioner was appointed as Junior Bailiff and posted in the Principal District Court, Erode, in the existing vacancy. The petitioner accepted the appointment and joined duty.

2. In the year 2025, the petitioner chooses to challenge the appointment relying upon G.O.Ms.No.1499 dated 03.08.1989 under which, according to the petitioner, she should have been appointed to a higher post, since she was qualified to be appointed for the post of Examiner. By the time, the petitioner's husband died, G.O.Ms.No.18 was issued by the Government governing compassionate appointments as early as on 23.01.2020.

3. Under the said Government Order compensate appointments are to be made only to certain categories of posts that too in the existing vacancies. The posts cannot be created for the purposes of making compensate appointment. This was made clear by G.O.Ms.No.18 dated 23.01.2020. Therefore, the Principal District Judge had appointed the petitioner in the existing vacancy. The petitioner cannot, after issuance of



W.P.No.8811 of 2025

G.O.Ms.No.18, claim that she should have been appointed in a higher post where there was no vacancy.

WEB COPY

4. Hence we see no reason to interfere with the order of the District Judge, the Writ Petition fails and it is accordingly dismissed. There shall no order as to costs.

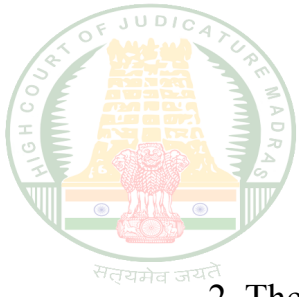
(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
20.03.2025

jv

Index: No
Speaking order
Neutral Citation: No

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Courts) Department,
Fort St. George, Chennai9.



W.P.No.8811 of 2025

WEB COPY

2. The Registrar General,
High Court Madras,
Chennai 600 104.
3. The Principal District Judge/
Appointing Authority, Erode,
Erode 638 011.
4. The Chief Administrative Officer,
Principal District Court, Erode,
Erode 638 011.



WEB COPY



W.P.No.8811 of 2025

R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.

(jv)

Writ Petition No.8811 of 2025

20.03.2025