



WEB COPY



W.P.NO.8858 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.8858 of 2025

Kalaiselvi

... Petitioner

Vs.

1. Additional Chief Secretary /
Commissioner of Indian Medicine and Homeopathy,
Indian Medicine Commissionerate,
Arumbakkam, Chennai 600 106.

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

3. The Superintendent,
Arignar Anna Government Hospital Campus,
Arumbakkam near Anna Arch,
Chennai - 600 106.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner considering the qualifications acquired by her, within a specified time frame that may be fixed by this Court by considering the representation dated 26.09.2024.

For Petitioner : Mr.D.Veerakumar

For Respondents : Mr.M.Bindran
Additional Government Pleader



W.P.NO.8858 OF 2025

WEB COPY

ORDER

This Writ Petition has been filed in the nature of a Mandamus, seeking a direction against the respondents to consider the representation given by the petitioner on 26.09.2024 by which representation the petitioner seeks to be appointed on compassionate basis under the third respondent Organisation.

2. In the affidavit filed in support of the writ petition, it has been stated that the husband of the petitioner viz., Dr.M.Baskar had joined as an Assistant Medical Officer in the first respondent department on 01.07.2005 by being selected by the Tamilnadu Public Service Commission. He was posted at Government Primary Health Centre, T.Palur, Perambalur District. His services were regularized and his probation was also declared. It is stated that he was then transferred to Chennai and posted at Government Siddha Dispensary at Ezhilagam, Chennai -5. He was affected with Basic Disease of Diabetes Melitus Hypertension Chronic Kidney Disease stage 5D. He underwent an operation and the petitioner also donated one of her two kidneys.



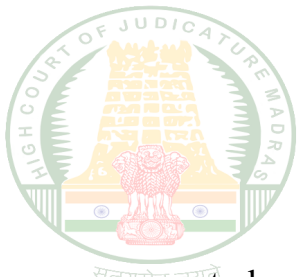
W.P.NO.8858 OF 2025

WEB COPY

However he did not recover on the surgery and died on 03.06.2024. He was only 46 years at that time. The petitioner and his mother are the only surviving legal heirs. The petitioner had given a representation on 26.09.2024 seeking appointment on compassionate grounds. She had studied upto 9th standard. It is obvious that it would be extremely difficult for her to lead her life. Therefore the respondents must extend a helping hand to her. They have the responsibility to ensure that the family of the deceased also survives with some financial security.

3. On behalf of the respondent it is contended that the father in law of the petitioner / father of her husband has raised objection. That objection has no value at all.

4. He has no right to raise such objection. He is not a direct class I legal heir. It is only the petitioner and the mother of her husband who are the only direct legal heirs. They would both be entitled for equal shares of the benefits of her husband. The petitioner is in a better position



W.P.NO.8858 OF 2025

सत्यमेव जयते
WEB COPY

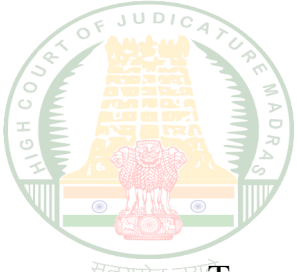
to be appointed on compassionate grounds.

5. Therefore, a direction given to the respondents to examine the representation of the petitioner in accordance with the educational qualification of the petitioner and place her accordingly. Such compassionate appointment may be granted depending on the seniority of the pending list. However, the application should not be rejected only because her father-in-law raised objection. The respondents must also pass necessary orders within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands allowed. No costs.

14.03.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
vum



W.P.NO.8858 OF 2025

To
WEB COPY

1. Additional Chief Secretary /
Commissioner of Indian Medicine and Homeopathy,
Indian Medicine Commissionerate,
Arumbakkam, Chennai 600 106.
2. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
3. The Superintendent,
Arignar Anna Government Hospital Campus,
Arumbakkam near Anna Arch,
Chennai - 600 106.

C.V.KARTHIKEYAN, J.



WEB COPY



W.P.NO.8858 OF 2025

vum

W.P.No.8858 of 2025

14.03.2025