



WEB COPY



W.P.No.10039 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 10039 of 2022

C.Ilayaraja

...Petitioner

Vs.

1.The Commissioner of School Education,
DPI Campus College Road,
Chennai - 600 006

2. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri

3.The District Educational Officer,
Krishnagiri District,
Krishnagiri

4. The Headmaster,
Government Higher Secondary School,
Ramapuram,
Krishnagiri District - 635112

...Respondents



W.P.No.10039 of 21

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, to call for records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No-1677/Aal/2021 dated 16.08.2021 and to QUASH the same and consequently directing the respondents to grant promotion to the petitioner and regularize his service in the post of Junior Assistant/ Bill Collector from the initial date of appointment effect from 11.03.2015 with all consequential and attendant benefits.

For Petitioner : Mr. S.Nedunchezhiyan

For Respondents : Mr. P.Anandan Kumar
Government Advocate

ORDER

Aggrieved by the rejection of his claim for promotion and regularisaion of his appointment to the post of Junior Assistant from the date of his initial appointment, the petitioner is before this Court.



W.P.No.10039 of 2015

WEB COPY

2. The facts that has led to the filing of this writ petition are as follows.

3. The petitioner's father was employed as a Record Clerk in the 4th respondent school and had died in harness in the year 1997, leaving the entire family in financial distress. Since the petitioner was qualified with higher secondary pass, he had submitted an application for appointment on compassionate grounds. On 10.03.2015, the petitioner was issued with an order of appointment as an Office Assistant in the 4th respondent school, where the petitioner's father was employed as a Record Clerk. He joined the duty on 11.03.2015.

4. It is the contention of the petitioner that even on the date of appointment, he was eligible to be appointed as a Junior Assistant. The petitioner had excelled in his education and has to be appointed to the post of Junior Assistant based on his 12th std qualification. The petitioner was unable to study further on account of his father's demise and the family's indigenous circumstances. However, the petitioner



W.P.No.10039 of 2

was only appointed as an Office Assistant. In fact, the 3rd respondent while recommending proposal of the petitioner for compassionate appointment had recommended that he be appointed as a Junior Assistant based on his educational qualification, i.e., 12th std pass.

5. The petitioner made a representations for appointment as Junior Assistant on 30.06.2017 and 06.08.2021, which was however not considered. It is also his contention that as per GO.Ms.No.1499, Labour & Employment (G1) Department dated 13.08.1989, the dependent who had been appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds and who possess higher qualification required for the post of Junior Assistant at the time of initial appointment shall be appointed as Junior Assistant. Therefore, in the light of the above GO also the petitioner is entitled to be appointed as Junior Assistant.

6. However, by the impugned order dated 16.08.2021, the 3rd respondent who had originally recommended the petitioner's appointment as a Junior Assistant had rejected the petitioner's claim by



stating that on the date of making his application, the petitioner had only passed 9th std. Therefore, he was not entitled to be considered for the post of Junior Assistant. Aggrieved by the same, the petitioner is before this Court.

7. The 3rd respondent filed a counter affidavit stating that on the date of death of the petitioner's father, his mother Susila was an illiterate and was eligible for appointment only as a Sweeper. However, she had crossed the age limit of 50 years. Further, she was not willing to get appointed on compassionate grounds on account of her medical condition. Therefore, she could not be appointed on compassionate grounds. The said Susila and other family members of the deceased Governemnt servant had given their no objection for the petitioner to be appointed on compassionate grounds since he being the eldest son.

8. The 3rd respondent would submit that the compassionate appointment is not a regular appointment nor an appointment under the constitutional scheme. This is a concession given to a Government



W.P.No.10039 of 2

employee on happening of certain exigencies. Therefore, the compassionate appointment cannot be demanded as a matter of right.

WEB COPY

9. It is their contention that as per the Tamil Nadu Ministerial Service Rules, SSLC pass is an essential educational qualification for appointment as a Junior Assistant. The petitioner on the date of his first application did not qualify for the said post as he had only passed his 9th std. They would contend that the application for appointment had to be made within 3 years from the date of the Government servant's death. The petitioner's father died in the year 1997 and the petitioner passed his HSC in the year 2004. The long and short of the contention raised in the counter affidavit is that on the date of the application for compassionate appointment, the petitioner should be qualified with SSLC, which in the case of the petitioner was not there. Therefore, they sought for dismissal of this writ petition.

10. Heard the learned counsels on either side and perused the records.



WEB COPY

11. A reading of GO.Ms.No.1499, which has been relied upon by the petitioner, a reference is made to GO.No.444 dated 23.02.1981, which states that Record Clerks who are already appointed on compassionate appointment qualified for the post of Junior Assistant can be appointed as Junior Assistant by direct requirement after obtaining concurrence of the TNPSC. The Government had gone on to issue clarification which reads as follows:

“(i) A dependant appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds but possess the qualification required for the post of Junior Assistant at the time of initial appointment to a lower post may be appointed as Junior Assistant / Typist. This concession is allowed only to those who have already been appointed to a lower post like Record Clerk, Office Assistant, Sweeper etc. The dependants should satisfy the conditions prescribed for consideration of appointment under compassionate grounds at the time of their appointment as Junior



WEB COPY



W.P.No.10039 of 2013

Assistant Typist etc.

(ii) If the dependants who are appointed to lower posts like Sweeper, Office Assistant and Record Clerk with reference to their quantifications possessed at the time of their initial appointment and subsequently acquire qualifications prescribed for appointment as Junior Assistant / Typists they can be considered for appointment as Junior Assistant / Typist only with reference to Special rules governing the post of Junior Assistant / Typist and not with reference to the scheme of providing employment assistance on compassionate grounds”.

12. A Coordinate Bench of this Court in WP.(MD).Nos.13354 & 13355 of 2013 was considering the similar issue. After hearing the parties, the learned Judge has allowed the writ petitions and directed that the benefit to be given to the petitioners therein. The petitioner before this Court is also similarly placed candidate.



W.P.No.10039 of 2013

WEB COPY

13. Therefore, this writ petition is allowed in the light of GO.Ms.No.1499 and the judgement passed in WP.(MD).Nos.13354 & 13355 of 2013. The respondents are directed to grant promotion and regularise the petitioner as Junior Assistant from the initial date of appointment, with all consequential and attendant benefits, within a period of 3 weeks, from the date of receipt of a copy of this order. No costs.

10.12.2025

Index : Yes/No
Internet : Yes/No

kan



W.P.No.10039 of 2018

To

WEB COPY

1.The Commissioner of School Education,
DPI Campus College Road,
Chennai - 600 006

2. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri

3.The District Educational Officer,
Krishnagiri District,
Krishnagiri

4. The Headmaster,
Government Higher Secondary School,
Ramapuram,
Krishnagiri District - 635112



WEB COPY



W.P.No.10039 of 2022

P.T. ASHA, J

kan

W.P.No.10039 of 2022

10.12.2025