



W.P. No. 18030 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 18030 of 2019

T.Bhuvanashankari

... Petitioner

-vs-

1. The Secretary
Personal & Administrative Reforms Department
St. George Fort
Chennai – 600 009.
2. The Director of School Education
D.P.I. Compound
College Road
Chennai – 600 006.
3. The Chief Educational Officer
Salem – 636 001.
4. The Principle Secretary
Highways Department
St. George Fort
Chennai – 600 009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st respondent passed in Lr.No.6598/G2/2019-1 dated 05.03.2019 and quash the same and direct the 1st respondent to appoint the petitioner as Assistant Engineer in the 4th respondent's department in accordance with petitioner's educational qualification.



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For Petitioner : Mr. N.Babu
for M/s. M.Thamizhavel

For Respondents : Ms.Rajarajeswari, GA (RR2 & 3)
Mr.A.M.Ayyadurai, GA (RR1 & 4)

ORDER

The petition has been filed challenging the order of the first respondent authority dated 05.03.2019 through which the petitioner's request to transfer the application seeking compassionate appointment of the petitioner from Education Department to Highways Department has been rejected.

2. The learned counsel for the petitioner submitted that the petitioner has applied for appointment on compassionate grounds in view of death of his mother, who was working as B.T. Assistant with the second respondent department and who died while in harness.

3. The petitioner has given an application to the respondent department stating that he has acquired B.E.(Civil) and his application be transferred to Highways department and he should be offered with the post of Assistant Engineer. The said application has been rejected by stating that only when no post is available in the department, where the deceased employee was working,



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the application will be transferred to some other department.

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4. In G.O. Ms. No. 61, Labour and Employment Department dated 16.01.2006, it has been made crystal clear that the compassionate ground appointments can be made only to the posts in 'C' and 'D' groups. The respondent did not state that 'C' and 'D' group vacancies are not available to accommodate the petitioner in the respondent department.

5. While such is the case, the respondent is not expected to consider his qualification in order to accommodate him as Assistant Engineer in any other departments as per his preference. As I do not find any illegalities and irregularities in the impugned order passed by the first respondent, the writ petition is liable to be dismissed.

6. In fine, the writ petition is dismissed. No costs.

03.02.2025

Index: Yes/No

Speaking order: Yes/No

NCC: Yes/No

Maya



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R.N.MANJULA, J.

Maya

To

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