



WEB COPY

W.P.No.23184 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K. SURENDER**

Writ Petition No. 23184 of 2025

S.Sinthiya

.. Petitioner

Vs.

1.The Registrar General,
Madras High Court,
High Court Buildings,
Chennai – 600 104.

2.The Principal District Judge,
Vellore,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's case for suitable accommodation in any other post that may commensurate her Post-Graduate Education qualification viz., M.Pharm (Pharmaceutical Analysis) in any existing vacancies.



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For Petitioner : Mr.P.Dinesh Kumar

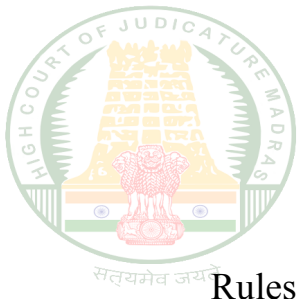
For Respondents : Mr.Balamurugan

ORDER

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

The prayer in the Writ Petition is for a Mandamus directing the respondents to consider the petitioner's case for accommodation in any other post commensurate to her Post Graduate qualification.

2. The mother of the petitioner S.Manjula, who was working as Central Nazir in Sub-Court Gudiyatham, Vellore District died in harness on 16.05.2021. She made an application for compassionate appointment. Even at the time of her application, she possessed a graduation in pharmacy (B.Pharm.). However, she was appointed as a cleanliness worker, which is a group - D post, by the proceedings of the Principal District Judge dated 10th March 2025. She made a representation seeking to a post commensurate with her Post-Graduate qualification.



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3. Compassionate appointments in the State are governed by the Rules issued under G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023. Rule 10 of the Rules reads as follows:-

10. Posts filled up under appointment.- *Appointment shall be confined to posts in Group “C” or Group “D” depending upon the educational qualification of the applicant on the date of application.*

Explanation.- *For the purpose of these rules, Group “C” or Group “D” posts would mean the posts which are classified as such in Schedule – XIII to the Tamil Nadu Government Servants (Conduct of Service) Act, 2016 (Tamil Nadu Act, 14 of 2016).*

4. A reading of the above Rules would go to show that the compassionate appointment could be made to group - C or group - D posts depending upon the educational qualification of the applicant on the date of the application. Admittedly, on the date of the application, the applicant possessed an Under-Graduate degree. Therefore, she should have been considered for group - C post.

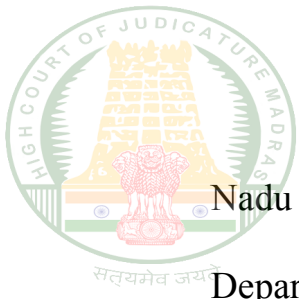


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5. We had required the respondents to furnish the details of vacancies in the District Unit. As per the list furnished by the learned Principal District Judge, Vellore there are about 33 vacancies in group - C post as on 31.12.2023. Therefore, the petitioner should have been accommodated in any one of those 33 vacancies that were available at the time of appointment.

6. The learned Principal District Judge, Full Additional Charge had filed a report dated 27.06.2025, wherein, it is stated that the petitioner would be promoted under Rule 8 of the Tamil Nadu Judicial Ministerial Service Rules depending on the vacancy position.

7. We are unable to agree with the contention. Rule 8 of the Tamil Nadu Judicial Ministerial Service Rules deals with promotions only and not compassionate appointments. Compassionate appointments are governed by G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023. When a person seeking compassionate appointment possesses necessary qualification for being appointed in a group - C post, Rule 10 of the Rules framed by the Government of Tamil



Nadu under G.O.Ms.No.33, Labour Welfare and Skill Development (Q1)

Department, dated 08.03.2023 mandates that the person should be accommodated in the group - C post. Therefore, the very appointment of the petitioner to the group - D post is not justified.

8. Hence, the Writ Petition will stand **allowed**. There will be a Mandamus directing the Principal District Judge, Vellore to appoint the petitioner to any one of the group - C posts, which are admittedly lying vacant. Let the orders be issued within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (K. SURENDER, J.)
03.07.2025

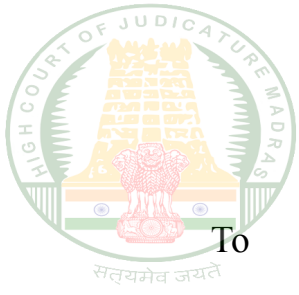
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Index : No

Internet : Yes

Neutral Citation : No

Speaking order



To

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