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W.P.No.25271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.25271 of 2025

M.Saravanan

... Petitioner

Vs.

The District Collector
District Collectorate Office,
Villupuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in order in Na. Ka. No.PE4/2813222/2024 dated 13.02.2025, passed by the Respondent, and to quash the same as illegal and arbitrary and further direct the Respondent to appoint the petitioner in any of the suitable post to which he is eligible or to appoint him in Nutritious Meal Centre Organizer at Ponnagupam Panchayat Union Primary School under compassionate grounds.

For Petitioner

: Mr.G.Mohammed Aseef

For Respondent

: Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader



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ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the records in order in Na. Ka. No.PE4/2813222/2024 dated 13.02.2025, passed by the Respondent and to quash the same as illegal and arbitrary and further direct the Respondent to appoint the petitioner in any of the suitable post to which he is eligible or to appoint him in Nutritious Meal Centre Organizer at Ponnanaguppam Panchayat Union Primary School under compassionate grounds.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the impugned order dated 13.02.2025 rejecting the petitioner's claim for compassionate ground appointment is contrary to the settled legal position.



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According to the learned counsel appearing for the petitioner, his father Muthu died on 02.12.2012 and thereafter, his sister M.Jayanthi had given an application within a period of three years. However, there was a delay in considering her application. In the meanwhile, she was married. Therefore, the petitioner has given an application before the respondent for compassionate ground appointment on 09.01.2025. However, vide impugned order dated 13.02.2025, the respondent rejected the same on the ground that the Noon-Meal Organiser post would be given only to the Female Legal Heir. It is the further contention of the petitioner that the decision in ***G.Karthikeyan vs. Government of Tamil Nadu, Rep. by Secretary to Government*** reported in ***2024 SCC Online Mad. 3159***, the learned Single Judge has held that discrimination of giving Noon-Meal Organiser post only to the Male Member is unconstitutional. Hence, prayed to interfere with the impugned order.

5. At this juncture, the learned Additional Government Pleader appearing for the respondent would vehemently contended that the compassionate ground appointment is an exception to the regular public employment and any compassionate ground appointment has to be



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considered only in accordance with applicable Government Order. In the case in hand, the petitioner's sister has given an application within a period of three years as contemplated under the required Government Order and her application has been positively considered and directed her to give necessary documents for taking over the job. However, the petitioner's sister has not come up with required document to take the employment. In the meanwhile, the petitioner had submitted an application with a long delay of more than 13 years. Therefore, the same is not within the guidelines stipulated by the Government. Hence, prayed to dismiss the writ petition.

6. I have given my anxious consideration to the submissions made on either side.

7. The main contention putforth by the learned counsel for the petitioner is that though his sister has given an application within a period of three years, now that she has become married and left the family. Therefore, if any employment given to her, it will not help the petitioner's family to come out from the state of penury. However, while looking at the guidelines of the compassionate appointment, it is very clear that any compassionate



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appointment has to be given within a period of three years. Therefore, in the case in hand, the petitioner was able to survive for more than 13 years without any compassionate appointment. The concept of compassionate appointment is not an alternative mode of employment. It is only to help the family, who lost sole breadwinner to immediately get away from the penury at that point of time.

8. The learned counsel appearing for the petitioner relied upon the order of this Court in ***G.Karthikeyan vs. Government of Tamil Nadu, Rep. by Secretary to Government*** reported in ***2024 SCC Online Mad. 3159***, which is not helpful to decide the issue involved in the present writ petition.

9. In the case in hand, admittedly, the deceased employee's daughter M.Jayanthi had given an application, that was positively considered by the respondent. However, it is the petitioner's sister did not take that job. Mere disinterest shown by the petitioner's sister will never give any fresh cause of action to the petitioner to apply for the compassionate ground of appointment and apart from that, the petitioner has given an application after a period of 13 years. Therefore, this Court do not find any infirmity in the impugned



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order passed by the respondent in Na.Ka.No.PE4/2813222/2024, dated
13.02.2025.

10. In the result, the Writ Petition is dismissed. No costs.

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm



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To
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The District Collector
District Collectorate Office,
Villupuram District.



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C.KUMARAPPAN, J.

dm

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