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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

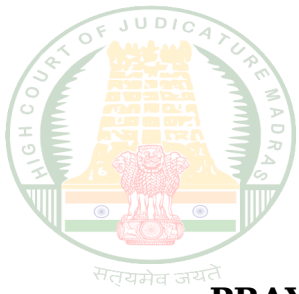
W.P.No. 4191 of 2025

K.Stalin

... Petitioner

..Vs..

1. The Director
Directorate of Public Health and Preventive Medicine
No.359, Anna Salai,
DMS Campus, Teynampet
Chennai – 600 006.
 2. The Joint Director
Directorate of Public Health and Preventive Medicine
No.359, Anna Salai,
DMS Campus, Teynampet
Chennai – 600 006.
 3. Block Medical Officer
Government Primary Health Center
Elanthaikuttai
Namakkal District.
 4. District Welfare Officer
Health Services
Namakkal.
 5. The District Collector
Chennai.
- ...Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the first and second respondent to consider petitioner's representation dated 13.02.2024 and to consequently to act upon the communication dated 04.04.2024 (with ref. No. Na.Ka.5534220/Pa.Tho.4/Eru3/2023) and 08.05.2024 (with ref.No.Na.Ka.8702/A2/2024) issued by the second and fourth respondent to allot the Junior Assistant post to the petitioner on the compassionate ground with the third respondent's department with all monetary / service benefits within the time limit as stipulated by this Hon'ble Court.

For Petitioner :: Mr. G.Gokul

For Respondents :: Mr. M.Bindran
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the first and second respondents to consider a representation dated 13.02.2024 given by the petitioner and act on the communication dated 04.04.2024 and 08.05.2024 issued by the second and fourth respondents and allot the post of Junior Assistant to the petitioner on compassionate grounds.



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2. In the affidavit filed in support of the Writ Petition, the petitioner had contended that his mother Mrs.Venmathi had worked as Village Health Nurse at PHC Kadachanallur Block PHC E-Kuttai, Komarapalayam Taluk, Namakkal District. She was to retire on 31.05.2026. Unfortunately, she died on 21.04.2019. Thereafter, quite immediately the petitioner had sent a representation on 29.08.2019 seeking Government job on compassionate grounds. This application was sent to the first respondent. Thereafter, the petitioner suffered the death of his father also. His brother has given no objection certificate for the petitioner being considered for employment on compassionate grounds. The Tahsildar had also given his assessment about the financial condition of the family of the petitioner herein. The petitioner had given representations and had filed the Writ Petition seeking consideration of the said representations.

3. On behalf of the respondents, instructions have been received stating that the petitioner had passed SSLC on the date of submission of his application for appointment of compassionate grounds. It had been stated that he stands in seniority No.1011. The respondents had granted employment to the dependents of employees upto serial No. 709. It is contended that therefore in accordance with



seniority, the petitioner's application will be considered.

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4. A caveat is therefore placed on the respondents that while considering grant of employment to those who had died in harness and while coming over to serial No. 1010, the petitioner's application should next be considered since he is in serial No.1011 and no ground to reject or deny that particular opportunity to the petitioner should be raised.

5. The learned counsel for the petitioner then widened the scope by stating that subsequently, the petitioner had attained further educational qualification and therefore stated that employment in commensurate with his educational qualification should be offered. I would leave that decision to the wisdom of the respondents. If the respondents were to consider the educational qualifications given in the second representation, then the seniority of the petitioner would be pushed further down and that would work to the disadvantage to the petitioner herein. Let him be offered employment and thereafter, the petitioner may work up the ladder during the course of his employment.



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6. Placing a direction that the petitioner's application may be considered in accordance with seniority atleast for the post of Junior Assistant, the Writ Petition stands allowed. No order as to costs.

10.02.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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WEB COPY



6

C.V.KARTHIKEYAN, J.,

vsg

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5. The District Collector
Chennai.

W.P.No. 4191 of 2025

10.02.2025