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W.P.No.30941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30941 of 2025
and WMP.No.34653 of 2025

S.V.Parthasarathi

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep by the Secretary to Government
School Education Department
Secretariat, Chennai – 600 009.
- 2.The Director of School Education
Directorate of School Education Office
No.17, College Road, Subba Road Avenue
Nungambakkam
Chennai – 600 006.
- 3.The Joint Director (Staff Section)
of School Education
Directorate of School Education
DPI Campus, College Road
Nungambakkam, Chennai – 600 006.
- 4.The Chief Educational Officer
Government Higher Secondary School Campus
Mohanur Road, Namakkal H.O
Namakkal District – 637 001.



W.P.No.30941 of 2023

5.The District Educational Officer
Government Higher Secondary School Campus
Mohanur Road, Namakkal H.O
Namakkal District – 637 001.

6.The Assistant Elementary Educational Officer
Assistant Elementary Educational Office
Government Higher Secondary School Campus
Mohanur Road, Namakkal H.O
Namakkal District – 637 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent pertaining to its proceedings in Na.Ka.No.11563/J/E1/2023 dated 04.09.2023 to quash the same as illegal and direct the respondents to provide employment to the petitioner on the ground of compassionate appointment arises due to the death of his father Mr.H.Vidhyadharan who died on 11.07.2004 while he was working as Secondary Grade Teacher in the Elementary School, Beemanayagampatti, Namakkal District.

For Petitioner : Ms.S.Esairani Narasimman
For Respondents : Mr.S.Prabhakaran
Government Advocate [R1 to R6]

ORDER

The writ petition is filed challenging the order passed by the third respondent in Na.Ka.No.11563/J/E1/2023 dated 04.09.2023, and



consequently direct the respondents to provide compassionate appointment to the petitioner in the place of his father deceased Mr.H.Vidhyadharan.

2. The facts are as follows :

- a) The petitioner's father H.Vidhyadharan was working as a teacher in Elementary School, Beemanayaganpatti, Namakkal District. He died on 11.07.2004, while he was in employment. The petitioner's mother Sarathi had pre-deceased her husband on 14.07.2000. After her death, the petitioner's father had remarried on Poonkudi and through her, he had a daughter Sugitha. After his father's demise, the petitioner was taken care of by his step mother. The petitioner at that relevant time was only five years old.
- b) On 01.12.2006, the step mother, who is the legal guardian of the petitioner, had applied for compassionate appointment. However, the same was not considered and the sixth respondent by his letter dated 06.12.2006, had directed the petitioner to submit her application after receipt of pension benefits. Thereafter, the petitioner's stepmother sent one more representation and the same is pending.



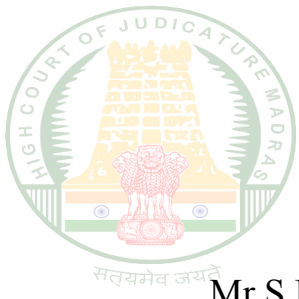
WEB COPY



W.P.No.30941 of 2023

- c) The petitioner was born on 04.07.1999 and on attaining majority, he submitted a fresh representation to the respondents on 10.10.2022, seeking to provide employment on compassionate ground. Since the said representation was not considered by the respondent, the petitioner had filed W.P.No.6869 of 2023, seeking a mandamus to consider his representation. By an order dated 03.03.2023, this Court had issued directions to the respondents 1 and 2 to consider and pass orders on the said representation of the petitioner.
- d) Pursuant to this order, the third respondent had passed the impugned proceedings dated 04.09.2023, rejecting the claim of the petitioner. The said representation has been turned down on the ground since it has been made after 17 years of the death of the petitioner's father, it is highly belated and that the prescribed time for submitting the compassionate application is within three years.

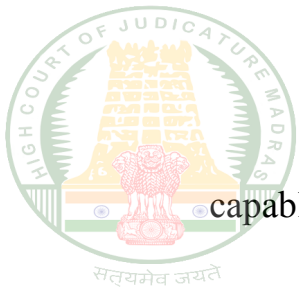
Challenging the same, the petitioner is before this Court.



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3. Heard the learned counsel appearing for the petitioner and Mr.S.Prabhakaran, learned Government Advocate who takes notice for the respondents 1 to 6.

4. Admittedly, the petitioner's father had died in the year 2004 and his step-mother had made an application for compassionate appointment in the year 2006. However, there was no follow-up to this application, Thereafter, in the year 2022, the petitioner has come forward with an application seeking compassionate employment. The underlying idea for providing compassionate employment is to enable the family members to survive in the absence of the breadwinner who had suddenly died, and to tide over the financial crisis that his/her family would suffer on account of the death. Therefore, the compassionate employment is an exception to the general rule of equal opportunity in employment and therefore, it is not a matter of right. Such a concession is not an hereditary entitlement and a member of the family does not automatically become entitled to it. Therefore, the application for compassionate appointment has to be made within the time prescribed in law, and once it is made with a delay, it goes to show that the family does not require the financial assistance and the family members are



capable of tiding over the crisis, in the absence of the deceased.

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5. In the instant case, it is seen that the petitioner's step-mother Poonkudi who had made her application in the year 2006 seeking employment on compassionate grounds, had not taken steps to follow it up, and thereafter, 17 years later, the petitioner had filed his representation seeking employment on similar grounds and this request was rejected by the third respondent herein by the impugned proceedings, on the ground that the application was filed much belatedly. This Court is of the view that the impugned rejection order of the third respondent cannot be found fault with, as the claim of the petitioner would not sub-serve the basic object and purpose of the scheme. The Hon'ble Supreme Court in the case of ***Canara Bank Vs. G.K.Ajith Kumar*** reported in [AIR 2025 SC 1232] after discussing the judicial precedent relating to compassionate appointment had culled out the principles which have crystallised through precedents into the rule of law. After analysing the contours of these judgment, the Bench had held that the scheme of compassionate appointment was to overcome immediate financial difficulties on account of sudden stoppage of the main source of income and existence of indigent circumstances necessitating the



W.P.No.30941 of 2025

employment of one of the defendants. These ingredients by the conduct of the petitioner appears absent in the instant case.

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6. With the above observation, the writ petition is dismissed. No costs.

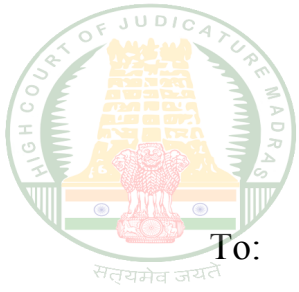
Consequently, connected miscellaneous petition is closed.

18.08.2025

Index : Yes / No

Neutral Citation : Yes / No

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