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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.46177 of 2025
and W.M.P.No.51500 of 2025

P.Priya

... Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director,
Directorate of School Education,
No.17, DPI Campus,
Opposite Sankara Nethralaya Hospital,
College Road, Subba Road Avenue,
Nungambakkam, Chennai – 600 034.

3. The District Educational Officer,
O/o. District Educational Officer,
Ulundurpet, Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the order passed by the third respondent vide Na.Ka.No.5422/A1/2025 dated 30.10.2025 and to direct the respondents to grant one post under compassionate appointment to the petitioner and pass orders.

For Petitioner : Mr.S.Esakkimuthu

For Respondents : Ms.Mythre Chandru
Special Government Pleader



ORDER

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This Writ Petition has been filed to quash the order passed by the third respondent vide Na.Ka.No.5422/A1/2025 dated 30.10.2025 and to direct the respondents to grant one post under compassionate appointment to the petitioner.

2. The facts of the case are as follows:

The petitioner's mother was working as a School Teacher and subsequently, she died on 26.04.2013. After her demise, the petitioner approached the third respondent by submitting application but no acknowledgment was given. Thereafter, she has given a representation seeking to grant one post under compassionate ground. Again, on 14.02.2022, she was made representation to the first respondent and the same was forwarded to the second respondent for further action. Till date, no action was taken. Hence, she filed a writ petition which was disposed with direction to consider her representation. Thereafter, enquired was conducted and rejected her application. Hence, this petition is filed.

3. The learned counsel for the petitioner submitted that the third respondent failed to consider that the petitioner is the daughter of her mother



Late Jaya and her first husband and she got divorced with her first husband in the year 2001 itself and the said Ganesan, who is the second husband, is not father of the petitioner. Hence, the service and shares of the said Ganesan will not go to the petitioner. The petitioner is one of the legal heir of the deceased Jaya. Therefore, the petitioner has made a representation to the Head Master to grant post under compassionate ground and the same was rejected, which is not sustainable.

4. The learned Special Government Pleader appearing for the respondent, on instructions, submitted that for compassionate appointment, as per Rule 3(3) (b) and 5 of G.O.(Ms) No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, the application should be submitted within a period of three years from the date of death of the Government Servant. At that time of the death of the deceased, her husband was working in the Government Department. Hence, the petitioner's request was rejected, which needs no interference.

5. Heard the learned counsel for both side and perused the materials available on record.

6. Admittedly, the petitioner's mother Jaya died in the year 2013 when she was working as a Teacher at Government Higher Secondary School,



Kallakurichi. After the demise of her mother, the petitioner gave a representation to the respondent claiming compassionate appointment. However, such representation was rejected vide impugned order dated 30.10.2025.

7. As rightly submitted by the learned Special Government Pleader, the petitioner's mother died in the year 2013 and the petitioner made application in the year 2022. As per Rule 3(3)(b) and 5 of G.O.(Ms) No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, the application should be submitted within a period of three years from the date of death of the Government Servant. On the sole ground the petitioner's request was rejected. For better appreciation, the said rule is extracted hereunder:

“Rule 5. Time limit to make application.— Every application for appointment under these rules shall be made within a period of three years from the date of death of the Government servant or from the date of retirement on medical invalidation or from the date of receipt of court order declaring the missing Government servant as dead, under sections 107 or 108 of the [Indian Evidence Act, 1872](#) .

8. The similar issue was discussed by this Court on the various occasions and held that belated applications for compassionate appointment cannot be entertained and one of the petitioner's family member is employed as Government Servant. Therefore, the respondent has rightly rejected the petitioners application, which does not warrant any interference.



9. In view of the above discussion, the writ petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

02.12.2025

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To

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