



W.P.(MD)No.519 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.519 of 2025

M.Rajadurai

... Petitioner

-VS-

1. The District Collector,
Sivagangai District.

2. The Commissioner/
Block Development Officer,
Kallal Panchayat Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders passed by the 3rd respondent in his proceedings in Na.Ka.No.A5/2829/2022 dated 18.11.2023 and quash the same and consequently direct the respondents to provide compassionate appointment to the petitioner.

For Petitioner

: Mr.V.Panneer Selvam

For Respondent No.1

: Mr.D.Sasikumar
Additional Government Pleader

For Respondent No.2

: Mr.S.S.Madhavan
Government Advocate



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ORDER

The instant writ petition has been filed by the son of a deceased Noon Meal Organizer, seeking to quash the order passed by the second respondent dated 18.11.2023, wherein, the request of the petitioner for grant of compassionate appointment has been rejected.

2. The petitioner's mother was working as a Noon Meal Organizer in the R.C.Middle School, Satharasanpatti, Sivagangai District. While in service, she passed away on 05.11.2022, leaving behind her husband and this petitioner as her legal heirs.

3. According to the learned Counsel appearing for the writ petitioner, he is living separately without the help of his father. The petitioner has given a representation on 10.03.2023, seeking to provide compassionate appointment. The authorities relying upon the G.O.Ms.No.48, Social Welfare and Women Rights Department dated 18.08.2021 and rejected the request of the petitioner on the sole ground that Male heir of the deceased employee cannot be appointed as Noon Meal Organizer. This order is put to challenge in the present writ petition.



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4. This Court passed an order dated 26.06.2024 in W.P.No.28231 of 2023, wherein, this Court has declared the clause which excluded the male legal heirs in G.O.Ms.No.48 as violative of Articles 14 and 16 of the Constitution of India and set aside the same. Therefore, as on today, the exclusion of Male legal heirs for being appointed as a Noon Meal Organizer is not legally sustainable.

5. In view of the above said facts, the order impugned in this writ petition is set aside, the matter is remitted back to the file of the second respondent herein with a direction to consider the request of the petitioner for compassionate appointment in the light of the judgement of the High Court and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this writ petition is allowed. No costs.

08.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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