



W.P.(MD).No.2973 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2973 of 2025

and

W.M.P(MD) Nos.2069 and 2070 of 2025

K.Mahendra Boopathy

Vs.

... Petitioner

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Social Welfare and
Nutrition Scheme,
Secretariat, Chennai – 600 009.

2. The Secretary,
Department of Social Welfare and
Women's Rights,
Secretariat, Chennai – 9.

3. The District Collector,
Office of the District Collector,
Tenkasi District.

4. The Commissioner,
Vasudevanallur Panchayat Union,
Tenkasi District.

... Respondents



W.P.(MD).No.2973 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 22.10.2024 in Na.Ka.No.A6/816/2021 on the file of the fourth respondent and quash the same as illegal and consequently directing the respondents to appoint the petitioner as a Nutrition Meal Cook or an other post on the basis of his educational qualification on compassionate ground with the fourth respondent Office with all consequential benefits within the time stipulated as fixed by this Court.

For Petitioner : Mr.T.Thirumurugan
For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader
For R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by the son of a deceased employee, challenging the order passed by the fourth respondent herein, wherein his request for compassionate appointment has been rejected.



W.P.(MD).No.2973 of 2025

WEB COPY

2. A perusal of the records reveal that the petitioner's mother who was employed as Nutrition Cooking Assistant at Primary School, Meenakshipuram, had passed away on 17.02.2021, while she was in service. Thereafter, the petitioner has made a request to the fourth respondent herein seeking compassionate appointment. The said request was rejected by the authorities which was challenged by the petitioner in W.P(MD) No.9947 of 2023. This Court, by an order, dated 12.06.2024 had allowed the writ petition and directed the Commissioner of Panchayat Union to consider his request in the light of the observations made in the writ petition.

3. In compliance with the orders of this Court, the present impugned order has been passed by the fourth respondent on 22.10.2024, wherein the request of the petitioner has been rejected on the following grounds:

- a. The petitioner being a male heir shall not eligible to be considered for being appointed as a Cooking Assistant; and
- b. The Commissioner of the Panchayat Union is not the appointing authority for the post of Cooking Assistant.



W.P.(MD).No.2973 of 2025

WEB COPY

4. The learned Additional Government Pleader appearing for the respondents herein had contended that under G.O.(Ms) No.48, Social Welfare and Women Rights Department, dated 18.08.2021, P.A to the District Collector is a competent authority to issue appointment orders for the post of Cooking Assistant. Therefore, the fourth respondent is not competent person.

5. In view of the above said deliberations, this Court is inclined to pass the following orders:

- a. The order impugned in the writ petition is set aside;
- b. The petitioner is at liberty to give fresh application to P.A to the District Collector, Tenkasi, seeking appointment; and
- c. In case, if any such application is received, the same shall be considered and disposed of on merits and in accordance with law, within a period of eight weeks thereafter.



W.P.(MD).No.2973 of 2025

6. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

31.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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Department of Social Welfare and
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Secretariat, Chennai – 600 009.
2. The Secretary,
Department of Social Welfare and
Women's Rights,
Secretariat, Chennai – 9.
3. The District Collector,
Office of the District Collector,
Tenkasi District.
4. The Commissioner,
Vasudevanallur Panchayat Union,
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W.P.(MD).No.2973 of 2025

R.VIJAYAKUMAR,J.

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W.P(MD)No.2973 of 2025

31.01.2025