



W.P.(MD)No.10971 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.10971 of 2025

Sherlynn Ishwarya
D/o. Late. A. Josephine Jansi Rani,
D/o. Late. S.P.Thomas,
No. 18C, Ramachandra Thadaka street,
Thirumangalam, Madurai - 625706.

Petitioner(s)

Vs

1. The Director of School Education Department
DPI Campus, College Road, Chennai.

2. The Chief Educational Officer
Madurai District,
Madurai.

3. The District Educational Officer
Madurai,
Madurai District.

4. The Headmistress
Government Girls Higher Secondary School,
Thirumangalam,
Madurai – 625706.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide employment to the writ petitioner on compassionate ground commensurate with writ petitioner qualification as per Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, within the time limit fixed by this Court.

For Petitioner : Mr.A.L.Kannan

For Respondent Nos.1 to 4 : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and carefully perused the materials available on record.

2. The case of the petitioner is that the petitioner's mother A.Josephine Jansi Rani who was serving as P.G. Assistant (English) in the fourth respondent school namely Government Girls Higher Secondary School, Thirumangalam,



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Madurai, met with an road accident on 02.12.2021 and she died on 02.01.2022.

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Unfortunately, father of the petitioner also died in the same accident, leaving behind the petitioner and her elder sister. The petitioner is the only person who depending upon the parents to meet out her day to day needs. The petitioner has completed B.E., Computer Science and B.Ed.,. After the demise of their parents, the petitioner is suffering without financial assistance to meet out her day to day needs. She came to know about the compassionate appointment scheme formulated by the State Government. Accordingly, she submitted an application in the month of July 2022, seeking compassionate appointment in a prescribed format to the fourth respondent. Thereafter, no action was taken on the petitioner's application. The petitioner submitted a reminder on 19.12.2024 to the respondents requesting to consider her request for compassionate appointment, as per the TamilNadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023. Despite lapse of more than two and half years, the respondents did not come forward to consider her application. Aggrieved by the inaction of the respondents, the petitioner has approached this Court by filing this writ petition.



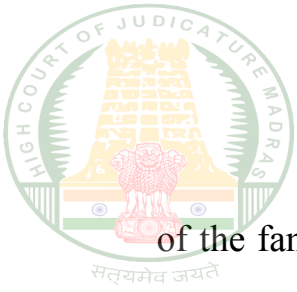
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3. The learned Counsel for the petitioner contends that as per the Tamilnadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, the respondents ought to have provide compassionate appointment to the petitioner within a period of thirty days. But, even after two and half years, the respondents have not considered the representation of the petitioner which is illegal, unjust and contrary to the settled law.

4. On the other hand, the learned Government Advocate would submit that though there is no dispute with regard to the 30 days time fixed in the said Rules to provide employment to all the applicants under the Compassionate Appointment Scheme. But, the concerned authorities are maintaining the seniority list and as and when the petitioner turn comes, the respondents will provide compassionate appointment to her.

5. This court is unable to accept the contention of the learned Government Advocate. Maintaining the seniority list and providing compassionate appointment after 15 or 20 years of the death of the breadwinner



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of the family is against the aim and objects of the Compassionate Appointment Scheme. The aim and objects of the Compassionate Appointment Scheme is to

provide butter to the family of the employee, who died untimely and for the welfare and immediate support to the victim's family. It is true that no one can seek appointment in public service on compassionate grounds as matter of right. But, as per settled law by the Apex Court, as and when there is a scheme of compassionate appointment, it has to be implemented to provide immediate support to the victims. Otherwise, there is no justification or rationality in providing compassionate appointment to the victim after 15 or 20 years of the untimely death of the breadwinner of the victim's family.

6. Under these circumstances, in our considered view, it is appropriate and reasonable to direct the respondents to consider the application of the petitioner for Compassionate Appointment and appoint her in any suitable post, if she is otherwise eligible.

7. Accordingly, this writ petition is disposed of with the following directions:



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i) The respondents are directed to consider the application of the petitioner for Compassionate Appointment and appoint her in any suitable post, if she is otherwise eligible, within a period of thirty days from the date of receipt of a copy of this order.

There shall be no order as to costs.

21.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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