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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.11535 of 2022

S.Chandrasekar ... Petitioner

Vs.

1....(deleted)

2.The Principal Secretary to
the Government of Tamil Nadu,
Fort St.George,
Chennai.

3.The Secretary,
Health Department,
Fort St.George,
Chennai.

4.The Director of Medical and Rural Health Services,
Teynampet,
Chennai.

5.The Joint Director of Health Services,
Ramanathapuram. ... Respondents

(Respondent No.1 deleted vide Court order dated 30.09.2024 in W.M.P.(MD).No.10213 of 2022 in W.P.(MD).No.11535 of 2022)
(Respondent No.5 impleaded vide Court order dated 30.092.2024 in W.M.P.(MD).No.10216 of 2022 in W.P.(MD).No.11535 of 2022)

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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 revise the petitioner's appointment as Junior Assistant with effect from the petitioner's date of appointment viz., 25.05.2016 and further direct the respondents to provide subsequent promotion by taking into account of the petitioner's service rendered in the cadre of Office Assistant along with back wages and other monetary benefits within the time frame as may be stipulated by this Court.

For Petitioners : Mr.K.Karunanithi

For R-2 to R-5 : Mr.S.S.Madhavan,
Additional Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents to revise the petitioner's appointment as Junior Assistant with effect from the date of the petitioner's appointment, namely 25.05.2016.

2. The petitioner was appointed as Office Assistant on compassionate basis on 01.01.2005. At the time of his appointment, he was possessing only 9th standard qualification. After his appointment as Office Assistant on compassionate basis, he has acquired higher qualification as he has passed SSLC in the month of March 2009, passed Higher Secondary in March 2011 and has also completed B.Com., degree course on 31.07.2014. Having acquired

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higher qualifications, the petitioner is now seeking to be appointed as Junior Assistant with effect from the date of the initial appointment as Office Assistant, namely 25.05.2016. The law is now well settled by the decision of the Hon'ble Supreme Court that the norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment. The said proposition is also supported in one of the decision of the Hon'ble Supreme Court in the case of ***State of Uttar Pradesh and another Vs. Premlata*** reported in ***(2022) 1 Supreme Court Cases 30,*** wherein, the principles governing the grant of compassionate appointment were summarized as follows:

> *"10.1.That the compassionate appointment is an exception to the general rule.*
>
> *10.2.That no aspirant has a right to compassionate appointment.*
>
> *10.3.The appointment to any public post in the service of the State has to be made on the basis of the principle in accordance with Articles 14 and 16 of the constitution of India.*
>
> *10.4.Appointment on compassionate ground can be made only on fulfilling the norms laid down by the State's Policy and / or satisfaction of the eligibility criteria as per the policy.*

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105.The norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment."

3. In order to issue a writ of mandamus by this Court, the petitioner must possess a legal right for the relief sought for in this writ petition. Since it is settled law that the norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment and since the petitioner was possessing only 9th standard qualification at the time of his initial appointment as Office Assistant and was not eligible to hold the post of Junior Assistant, the question of this Court directing the respondents to appoint the petitioner as Junior Assistant after he acquired higher qualification subsequent to his initial appointment does not arise.

4. For the foregoing reasons, this Court does not find any merit in the writ petition and the same stands dismissed. No costs.

18.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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ABDUL QUDDHOSE, J.

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