

W.A(MD)No.1204 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.1204 of 2025

M.V.Balapravinkumar

... Appellant

vs.

1. The Director,
School Education Department,
Directorate of School Education Department,
Chennai.

2. The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

3. The Assistant Elementary Educational Officer,
Rajakkamangalam,
Kanyakumari District.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters
Patent, against the order dated 16.07.2024 made in W.P(MD)No.15901 of
2024.

For Appellant : Mr.M.Saravanan

For Respondents : Mr.J.Ashok

Additional Government Pleader



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JUDGMENT

(Judgment of the Court was made by J.NISHA BANU, J.)

This writ appeal is filed against the order dated 16.07.2024 made in W.P(MD)No.15901 of 2024.

2. The appellant's mother who was working in the respondent department, died while in service. The appellant who is her son, made an application for compassionate appointment which was rejected by the respondents on the ground that he had not attained majority at the time of making the application and it was also observed that no reason stated in the application as to why the other legal heirs did not come forward to apply for compassionate appointment. Challenging the said order, the appellant filed the writ petition. The Writ Court finding that the rejection order has been passed by considering all circumstances in a comprehensive manner, dismissed the writ petition. The relevant passage of the impugned order is extracted hereunder:

"6. The impugned order is also dealt with G.O.Ms.No. 33 dated 08.03.2023. The reason assigned to reject the



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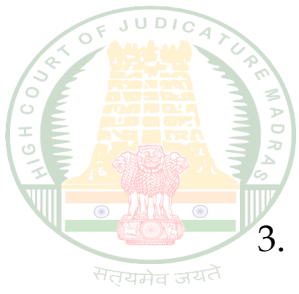


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application of the petitioner is not only by citing that the petitioner had not attained majority at the time of filing the application but also there are other eligible legal heirs of the deceased, who are eligible to seek compassionate appointment on who did not even attain the age of majority and who did not have the required qualification, had given the application.

7. There is no doubt that for the purpose of giving application, the age of the applicant need not be a hurdle. However, on the date of getting the appointment, the applicant should have attained majority. But that consideration can be given when there is no other legal heir and the only available legal heir is minor and he did not attain the age of majority and hence, someone on his behalf given the application, even before he attained majority and that appointment will be given only after attaining the majority.

8. Supposing if for any extraneous reasons, the only person, who can apply, is the petitioner herein, despite he was a minor at the relevant point of time, then, reasons have to be assigned as to why the other legal heirs have not given any application. The other features which have to be present for considering compassionate appointment is also not seen to be present in the petitioner's circumstances. The order has been passed by considering all circumstances in a comprehensive manner and hence, I do not find any merits. In the result, the writ petition is dismissed. No costs."



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3. Assailing the impugned order, learned counsel for the appellant would state that there is no necessity for a person to be a major while making application for compassionate employment since compassionate appointment can be given after attaining majority. He would further state that considering the circumstances of the family, the family members can nominate any one of the legal heirs for obtaining compassionate appointment. However, without considering the same, the Writ Court erroneously dismissed the writ petition. Thus, the learned counsel would pray for setting aside the impugned order.

4. The learned Additional Government Pleader appearing for the respondents would state that no indigent circumstances proved against the appellant to provide compassionate appointment. Thus, he would pray for dismissal of the writ appeal.

5. Heard both sides.

6. As rightly held by the Writ Court, the age of the appellant would not be a hurdle for providing compassionate appointment. Such



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defect can be cured by granting compassionate appointment after attaining majority. However, that concession can be extended where the applicant is the sole legal heir of the deceased employee and he was a minor at the time of making application for compassionate appointment. But in this case, apart from the appellant who was a minor at the time of making application in the year 2022, there were other legal heirs of the deceased employee who were eligible to seek compassionate appointment on the date when the employee died. However, they did not make any application for compassionate appointment, whereas, the appellant who did not even attain majority and did not possess the required qualification, had made application for compassionate appointment. Even his application does not refer to no objection given by the other heirs for providing compassionate appointment to the appellant. Such being the circumstances of the case, the respondents have rightly rejected the claim for compassionate appointment. While dismissing the writ petition, the Writ Court has also pointed out that despite the appellant was minor at the relevant point of time, reasons have to be assigned as to why the other legal heirs have not made application.



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WEB COPY 7. In view of the above, we do not find any infirmity in the order passed by the learned Judge. Accordingly, this Writ Appeal is dismissed. No costs.

[J.N.B, J.] [S.S.Y, J.]
30.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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AND
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JUDGMENT MADE IN
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