



W.A(MD)No.1778 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD)No.1778 of 2025

P.Shanmugavalli

**... Appellant /
Petitioner**

Vs.

- 1.The State represented by
The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai.
- 2.The Assistant Director of Town Panchayats,
District Collector's Office,
Sivagangai,
Sivagangai District.
- 3.The District Collector,
District Collector Office,
Sivagangai,
Sivagangai District.
- 4.The Secretary,
Tamil Nadu Public Service Commission,
Omanthoorar Government Estate,



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Anna Salai,
Chennai – 600 002.

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5.The Commissioner,
Manamadurai Municipality,
Manamadurai,
Sivagangai District.

6.The Joint Director (General),
Directorate of Town Panchayats,
Chennai – 600 028.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 05.04.2022 passed in W.P(MD)No.6227 of 2022.

For Appellant : Mr.A.Srinivasan
for Mr.V.Vijayashankar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 to R.3 & R.6

Mr.A.Kathiravan for R.5

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant's father was working as Sanitary Worker in Manamadurai Municipality. He passed away while in service. The appellant applied for



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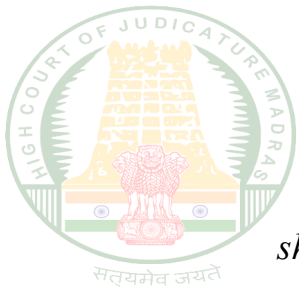
being appointed on compassionate grounds. Her request was accepted and she

was appointed in the post of Record Clerk and she also joined the same.

Subsequently, she requested the authorities to appoint her as a Junior Assistant, contending that such a post would be commensurate with her educational qualifications. The request of the appellant was rejected. Challenging the same, the appellant filed W.P(MD)No.6227 of 2022. The learned single Judge vide order dated 05.04.2022 dismissed the Writ Petition in the following terms:

“7. The learned counsel for the petitioner made a submission that the request of the other similarly placed persons was considered by the Authorities and some of the persons were appointed as Junior Assistant. By citing few such cases, the Authorities cannot consider the grant of appointment to higher post on compassionate ground, which will lead to disastrous consequences and result in unconstitutionality. No doubt, in certain cases, the Authorities would have provided appointment to the post of Junior Assistant. However, those instances cannot be cited as precedent for the purpose of providing appointment to the post of Junior Assistant. Even the selection would not confer any right for appointment. Only an order of appointment will confer a right to the candidates and even after selection, the selection may be cancelled by the Competent Authorities.

8. This being the scope of the right conferred under the special scheme, the very claim of the writ petitioner that she



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should be appointed as Junior Assistant, in view of the fact that she possessed the requisite qualification is untenable and cannot be considered by the Authorities. The same has been rightly rejected by the Authorities.

9. The scope of the scheme of compassionate appointment has been considered by the Hon'ble Supreme Court of India in the case of State of Uttar Pradesh and others Vs. Premalatha reported in 2022 (1) SCC 30. The Hon'ble Supreme Court again emphasized that "equal opportunity should be provided to all aspirants as mandated under Articles 14 and 16 of the Constitution of India. However, the appointment on compassionate ground offered to a dependent of the deceased employee is an exemption to the said norms. The compassionate ground is a concession and not a right". However, the appointment on compassionate ground can never be claimed as a matter of right.

10. In view of the facts and circumstances, this Court is of the considered opinion that the petitioner was already appointed to the post of Record Clerk on compassionate ground and she is working. If at all she wants to secure higher post, she has to participate in the open competitive process and her second application for compassionate appointment to provide a higher post is, undoubtedly, unsustainable. Thus, there is no infirmity as such in respect of the impugned order of rejection."

Aggrieved by the same, this Appeal has been filed.

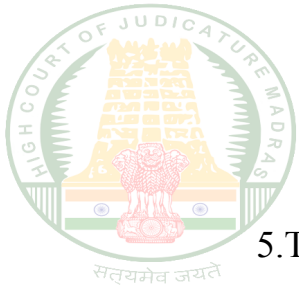


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3. The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal. He also drew our attention to G.O(Ms)No.206 Municipal Administration and Water Supply (Town Panchayats 1) Department dated 02.11.1995, G.O(Ms)No.46 Municipal Administration and Water Supply Department dated 11.10.2021 and the order dated 27.02.2018 made in W.A(MD)No.269 of 2018 in support of his contention that the authority must take into account the educational qualifications of the appellant while considering the request for making the appointment on compassionate grounds.

4. We are not swayed by the said submissions. As rightly held by the learned single Judge, the applicant cannot demand a particular post as a matter of right. As rightly pointed out by the learned Additional Government Pleader, the applicant cannot choose the post and it is entirely for the authority concerned to take a decision. The approach adopted by the learned single Judge cannot be faulted. It is also to be noted that during the pendency of these proceedings, the writ petitioner has been promoted to the post of Junior Assistant on 08.12.2023. Nothing survives in this Writ Appeal.



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5.This Writ Appeal stands dismissed. There shall be no order as to costs.

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[G.R.S., J.] [K.R.S., J.]
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NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

- 1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
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- 2.The Assistant Director of Town Panchayats,
District Collector's Office,
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