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W.P.(MD) No.16173 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.16173 of 2022

K.Kamaraja

... Petitioner

-VS-

1.The Commissioner
Directorate of School Education
D.P.I.Compound, College Road
Chennai

2.The District Educational Officer
Virudhunagar Educational District
Collectorate, Virudhunagar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the second respondent in Oo.Mu.No.4087/A1/2021 dated 05.01.2022 and quash the same as illegal and unlawful consequently direct the respondents to revise the petitioner's service as Junior Assistant from the date of his initial appointment (ie.10.06.1996) and to provide subsequent promotions with all service and



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monetary benefits more particularly within a time frame stipulated by this Court.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 05.01.2022, passed by the second respondent, rejecting the petitioner's request to revise his service as Junior Assistant from the date of his initial appointment i.e., from 10.06.1996 and to provide him subsequent promotions with all service and monetary benefits, within a time frame to be fixed by this Court.

2. The following facts are undisputed:

- (a) The petitioner was appointed Office Assistant by the second respondent by proceedings dated 30.05.1996 and his services were regularized with effect from 10.06.1996.



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- (b) The petitioner was appointed on compassionate grounds.
- (c) The petitioner, having completed tenth standard at the time of considering his application for compassionate appointment, was posted in the available post as Office Assistant based on his educational qualification.
- (d) At the time when the petitioner was appointed on compassionate grounds, there was no vacancy for the post of Junior Assistant.
- (e) The petitioner had made a request to revise his service as Junior Assistant from the date of his initial appointment i.e., from 10.06.1996 and to provide him subsequent promotions with all service service and monetary benefits, only on 25.10.2021, after a lapse of more than 25 years from the date of his initial appointment.
- (f) The petitioner has also achieved three level of promotions during his service period.



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3. Compassionate appointment is not a regular appointment, nor an appointment under the constitutional scheme. It is granted on a special scheme to tide over the immediate financial needs of the dependents of the deceased Government employees.

4. Admittedly, when the petitioner was appointed on 10.06.1996 on compassionate basis, he was accommodated as Office Assistant based on his educational qualification and the vacancy available at the relevant point of time. This Court cannot entertain the grievance of the petitioner after a lapse of more than 25 years, as it will make the seniority list unsettled and it would cause chaos in the administration. The law is now well settled by the Constitution Bench of the Honourable Supreme Court in the case of ***Ramchandra Shankar Deodhar vs. State of Maharashtra***, reported in ***(1974) 1 SCC 317***, that the promotion and seniority list cannot be challenged at a belated stage as it would amount to disturb the vested rights of other persons with regard to their seniority, rank and promotion, which have accrued to them during the intervening period. Therefore, the question of entertaining this writ petition at this belated stage when the petitioner has



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chosen to question his seniority after a lapse of more than 25 years from the date of his initial appointment does not arise.

5. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

12.09.2025

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

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To:

- 1.The Commissioner,
Directorate of School Education,
D.P.I.Compound, College Road,
Chennai.
- 2.The District Educational Officer,
Virudhunagar Educational District,
Collectorate, Virudhunagar.



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ABDUL QUDDHOSE, J.

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