



W.A.(MD)No.303 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.303 of 2021
and
C.M.P.(MD)No.1026 of 2021**

1.The Joint Director of School Education,
(Employment Division),
DPI Compound, College Road,
Chennai - 6.

2.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Headmaster,
Government Secondary School,
Kamuthi.

... Appellants

Vs.

S.Velumani

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.5521 of 2008 dated 01.12.2016 on the file of this Court.



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For Appellants : Mr.T.Amjadkhan,
Government Advocate.

For Respondent : No appearance

JUDGMENT
(By G.R.SWAMINATHAN, J.)

The Education Department of Government of Tamil Nadu has filed this writ appeal questioning the order dated 01.12.2016 made in W.P.(MD)No.5521 of 2008 filed by the respondent herein.

2.The respondent has been served and his name is printed in the cause list but he has not chosen to enter appearance.

3.The respondent's father was employed as Record Clerk in Government Higher Secondary School, Kamuthi. He died in harness on 25.07.1985. The writ petitioner was then four years old. After attaining majority, he applied to the department seeking appointment on



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compassionate grounds. His request was rejected vide order dated 11.04.2007. Challenging the same, W.P.(MD)No.5521 of 2008 was filed.

4.One of the reasons set out in the order impugned in the writ petition was that the writ petitioner's mother re-married in the year 1993. The learned Single Judge felt that assigning such reason was clearly unacceptable and in that view of matter, the order passed by the first appellant herein was quashed. The authorities were directed to process the writ petitioner's application and appoint him, if he was found otherwise eligible.

5.The question that calls for consideration is whether the order of the learned Single Judge is sustainable.

6.Admittedly, the writ petitioner was aged about four years when his father passed away. The request for appointment on compassionate grounds was made only in the year 1999 after he attained majority. We have held in more than one case that filling up vacancy cannot wait till the claimant attains majority. Our attention is drawn to the decision of



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the Hon'ble Full Bench rendered in W.P.(MD)Nos.7016 of 2011 etc batch dated 11.03.2020 (Nandini Dev Vs. Secretary to Government). The Hon'ble Full Bench had laid down that appointment on compassionate basis has to be strictly in accordance with the relevant government order or the scheme that has been framed by the employer and that any deviation from the scheme is not permissible. As per the position that then obtained, an application for compassionate appointment has to be filed within three years from the date of demise of the employee. In this case, the application was filed only after a gap of 14 years. The application was hopelessly time barred.

7.The Hon'ble Supreme Court has also held in many a case that the very object of granting appointment on compassionate grounds was to relieve the family that is in financial distress. In the very nature of things, the application has to be filed within a given time frame.

8.In this case, since the application was patently time barred, the learned Single Judge could not have granted the relief sought for. The order passed by the learned Single Judge is set aside and the writ appeal



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is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (R.K.M. J.)
17.12.2025**

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