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W.P.(MD) Nos.21128 & 21129 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) Nos.21128 & 21129 of 2022

and

W.M.P.(MD) Nos.15337 & 15338 of 2022

W.P.(MD) No.21128 of 2022:

K.Manikanda Kumar

... Petitioner

-vs-

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
Health and Family Welfare Department
Fort St.George
Chennai-600 009
- 2.The Director of Public Health and
Preventive Medicine
D.M.S.Complex, Anna Salai
Chennai-600 006
- 3.The Deputy Director
Public Health Services
Sivakasi, Virudhunagar District



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4.The Block Medical Officer
Government Primary Health Centre
R.Reddiapatti
Rajapalayam
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent in connection with the impugned order of rejection passed by him vide his proceedings in R.No.2727343/E4/S3/2022 dated 21.07.2022 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to revise the petitioner appointment as Junior Assistant with effect from appointment dated 03.07.2014 based on the petitioner qualification as well as in the light of the G.O.Ms.No.1499, Labour & Employment (Q1) Department, dated 03.08.1989 and thereby to provide subsequent promotion by taking into account of service rendered by him in the cadre of Driver within the time limit that may be stipulated by this Court.

For Petitioner : Mr.T.Thalaimutharasu

For Respondents : Mr.C.Satheesh
Government Advocate



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W.P.(MD) No.21129 of 2022:

K.Babu Kannan

... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by its Secretary to Government
Health and Family Welfare Department
Fort St.George
Chennai-600 009

2.The Director of Public Health and
Preventive Medicine
D.M.S.Complex, Anna Salai
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3.The Deputy Director
Public Health Services
Sivakasi
Virudhunagar District

4.The Block Medical Officer
Government Primary Health Centre
R.Reddiapatti
Rajapalayam
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent in connection with the impugned order of rejection passed by him



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vide his proceedings in R.No.2727379/E4/S3/2022 dated 21.07.2022 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to revise the petitioner appointment as Junior Assistant with effect from appointment dated 10.06.2019 based on the petitioner qualification as well as in the light of the G.O.Ms.No.1499, Labour & Employment (Q1) Department, dated 03.08.1989 and thereby to provide subsequent promotion by taking into account of service rendered by him in the cadre of Driver within the time limit that may be stipulated by this Court.

For Petitioner : Mr.T.Thalaimutharasu

For Respondents : Mr.C.Satheesh
Government Advocate

COMMON ORDER

These writ petitions have been filed challenging the respective impugned orders dated 21.07.2022, passed by the second respondent in both the writ petitions, rejecting the respective petitioners' request for being appointed to the post of Junior Assistant.



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2. The second respondent has rejected the request of the respective petitioners, on the ground that since the respective petitioners were appointed on compassionate basis, they are now not eligible to be appointed to the post of Junior Assistant.

3. Learned counsel for the petitioners drew the attention of this Court to G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, and would submit that as per the said Government Order, since the respective petitioners were having adequate educational qualification for being appointed to the post of Junior Assistant, they ought to have been appointed to the said post instead of appointing them as Drivers.

4. Learned counsel for the petitioners would also submit that only under coercion, the respective petitioners had to give letters to the respondents stating that they are agreeable for being appointed to the post of Driver and that they will not be seeking any future promotion.



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5. Counters have also been filed by the respondents in these writ petitions reiterating the contents of the impugned orders. According to them, since the respective petitioners were appointed only on compassionate appointment basis, they cannot seek to be appointed as Junior Assistants at this stage that too when they have undertaken before the respondents at the time of their initial appointment that they will not be seeking any promotion and that they are happy with their appointment as Driver.

6. However, as seen from the impugned orders, G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, which stipulates that even in compassionate appointment, only based on the educational qualification, appointments have to be made, has not been considered. Since G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, has not been considered in the impugned orders, this Court, in the interest of justice, deems it fit to quash the impugned orders and to remand the matter back to the very same respondent for fresh consideration on merits and in accordance with law, after giving due consideration to the G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989.



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7. Learned counsel for the petitioners has also relied upon various orders passed by this Court, which, according to him, are identical to the case of the petitioners and would submit that the respondents, while passing the impugned orders, have failed to consider those decisions favourably for the respective petitioners.

8. For the foregoing reasons, without expressing any opinion on the merits of the case of the respective petitioners, this Court deems it fit to quash the impugned orders passed by the second respondent, both dated 21.07.2022 and to remand the matter back to the very same respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court.

9. Accordingly, the impugned orders dated 21.07.2022, passed by the second respondent, are hereby quashed and these writ petitions are disposed of by directing the respective petitioners to submit an explanation as to how they are entitled to be appointed as Junior Assistant as per G.O.Ms.No. 1499, Labour and Employment (Q1) Department, dated 03.08.1989, with supporting decisions, within a period of two weeks from the date of receipt of a



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copy of this order. On receipt of the said explanation within the stipulated time, the second respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the explanation submitted by the respective petitioners, as stated supra, within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

17.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Secretary to Government,
Health and Family Welfare Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Public Health and
Preventive Medicine,
D.M.S.Complex, Anna Salai,
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ABDUL QUDDHOSE, J.

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