



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.10.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.24048 of 2019

Muthulingam

... Petitioner

..Vs..

1.The Director of Technical Education,
Directorate of Technical Education,
Sardarpatel Road,
Guindy,
Chennai-600 025.

2.The Principal,
Central Polytechnic College,
Tharamani,
Chennai600 113.

3.The Principal,
Barathiyar Centenary Memoria,
Government Women's Polytechnic College,
Ettaiyapuram,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection to the impugned order of rejection passed by him vide his proceedings in OO.Mu. 5591/T5/2016 dated 03.05.2016 and quash the same as illegal and arbitrary and consequently direct the respondents to appoint the petitioner in any post based on his educational qualification under compassionate ground.



For Petitioner : Mr.G.Aravind Kumar
For R1 : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition is filed challenging the impugned order dated 03.05.2016 in and by which, the petitioner's request for compassionate appointment was rejected.

2.Heard Mr.G.Aravind Kumar, learned counsel appearing for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader appearing for the first respondent.

3.The learned counsel for the petitioner would submit that at the time of death of her mother viz., Samuthirakani, the petitioner was aged about 6 years and he was under the impression that the application for compassionate appointment could only be given after attaining the majority. He further submitted that as soon as he attained majority, he gave an application on 09.02.2013 for compassionate appointment. Therefore, the main ground urged by the learned counsel for the petitioner is that the rejection of the petitioner's compassionate appointment application is contrary to the settled legal principles. Hence,



he prays to allow the writ petition.

4.The said submission was stoutly objected by the learned Additional Government Pleader, and would contend that according to the scheme provided for compassionate appointment, the time limit for giving application is only three years. He would further submit that the very purpose of giving compassionate appointment is to give some succour to the family to over come the penury situation faced by the family immediately after the death of the employee. Whereas, in the case in hand, the petitioner was able to survive for a period of 13 years after the death of the employee. Therefore, the petitioner cannot seek compassionate appointment as a matter of right. He would further submit that on the date of death of the petitioner's mother, his father was alive but he did not submit any application for compassionate appointment. He has also referred the judgment of the Division Bench of this Court in ***M.Sugadave V The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chepauk, Chennai-5, and others, (W.A(MD)No.603 of 2022)***. For ready reference, Para 13 of the judgment is extracted hereunder:

“13.In the case on hand, admittedly, the appellant's



father died on 03.09.2007; at that time, the appellant was minor and after attaining the age of majority, he made application only on 26.12.2014, after a lapse of nearly seven years, to the respondents for compassionate appointment and it is to be noted that his sister was working as a Doctor during the relevant period. Hence, it cannot be said that the appellant was in indigent circumstance on account of the death of his father. Therefore, in view of the above settled legal position, the claim of the appellant for compassionate appointment cannot be entertained and it deserves to be rejected. Accordingly, the impugned order passed by the Writ Court does not warrant any interference of this Court.”

5.I have given my anxious consideration of the submissions made on either side.

6.While looking at the facts of this case, the petitioner's mother Samuthirakani was working in the Health Department. It is an admitted fact that she died on 29.12.2000, whereas the petitioner has come up with the application on 09.02.2013 after a period of almost 13 years. While looking at the factual position, though the petitioner would contend that he had applied after attained majority, his application for compassionate appointment is after a period of 11 years, from the date of



attaining majority. It is a well settled principle of law that an employment cannot be allowed to reserve till a person attain majority. It is further well settled principle of law that unless the petitioner strictly satisfied the condition of the scheme under the compassionate appointment, he cannot seek such an appointment.

7.In the case in hand, long delay in submitting the application would definitely disentitle the petitioner in seeking the compassionate appointment. Though the Government has amended the Compassionate appointment Scheme in the year 2023 by undertaking a fresh regulations and dispensing the age criteria in submitting the application, such new regulation is not applicable to the present facts of the case, as we are dealing with the death of the employee in the year 2000. Therefore, this Court absolutely does not find any infirmity in the impugned order.

8.In the result, this Writ Petition stands dismissed. No costs.

31.0.2025

Index::Yes/No
Ncc:Yes/No



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C.KUMARAPPAN,J.
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To
1.The Director of Technical Education,
Directorate of Technical Education,
Sardarpatel Road,
Guindy,
Chennai-600 025.

Order made in
Writ Petition No.24048 of 2019

31.10.2025