



W.P(MD)No.19458 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.19458 of 2015

and

M.P.(MD)No.1 of 2015

D.Selvambigai

... Petitioner

Vs.

- 1.The Director,
Department of Agriculture,
Chepauk, Chennai-600 005.
- 2.Tamil Nadu Public Service Commission,
Rep., by its Joint Secretary,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-600 003.
- 3.The Director,
Department of Seed Certification,
1424A, Thadagam Road,
Department of Agriculture,
Coimbatore-641 013.
- 4.The Deputy Director of Seed Inspection,
Virudhunagar, Virudhunagar District.
- 5.The Revenue Divisional Officer,
Collectorate Campus, Tirunelveli District.
- 6.The Tahsildar,
Sankarankovil, Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of cancellation of appointment issued by the 2nd respondent TNPSC in proceeding No.4912/P.S.D-H/2013-2, dated 14.09.2015 and the consequential proceedings issued by the 3rd respondent in proceeding No.A1/28066/2015, dated 06.10.2015 and the proceedings of the 4th respondent in proceedings No.A/1967/2015, dated 06.10.2015 and quash the same and further to direct the respondents 1 to 4 to reinstate the petitioner forthwith in service with all attendant benefits including continuity of service and arrears of salary and allowances.

For Petitioner : Mr.R.Karunanidhi

For R1, R3 to R5 :Mr.T.Amjadkhan, Government Advocate

For R2 : Mr.V.Panneer Selvam

ORDER

I passed the following order on 06.11.2023:-

“The learned counsel for the petitioner is absent. By an order in W.P.(MD).No.19457 of 2015 dated 11.11.2019, this Court had set aside the order refusing to grant “destitute widow” certificate to the writ petitioner by the fifth respondent and remanded the matter for a fresh consideration whether the petitioner is a destitute widow or not.

2. Mr.Paneer Selvam, learned Standing Counsel appearing for the second respondent has produced a letter from the Deputy Secretary, Tamil Nadu Public Service Commission dated 11.10.2023, wherein, it has been stated as follows:



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□மனுதாரர் தனியார் பள்ளியில் ஆசிரியையாகப் பணிபுரிந்து அதன் மூலம் மாத வருமானம் ஈட்டும் நபராக இருப்பதினாலும், திருமணமாகாத வருமானம் ஈட்டும் நிலையில் உள்ள மகனின் ஆதரவு உள்ளதாலும், குடும்ப ஓய்வு திட்டம் பெறும் தாயாரின் ஆதரவு உள்ளது என்பதால் மனுதாரருக்கு வாழ்க்கைக்கான வாழ்வாதாரம் உள்ளது. மனுதாரர் ஆதரவற்ற நிலையில் வாழ்ந்து வருவது விசாரணையில் உறுதி செய்யப்படவில்லை என்பதால் மனுதாரருக்கு ஆதரவற்ற விதவைச் சான்று வழங்க மார்க்கமில்லை என பார்வை 2-ல் கண்ட செயல்முறைகளின் படி ஆணையிடப்பட்டு மேற்படி விபரம் மனுதாரருக்கு தெரிவிக்கப்பட்டது என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்□.

Despite the order of remand, the petitioner has been declared as not destitute widow, she could not succeed in this Writ Petition.

3. The learned Government Advocate is requested to produce the order of the Revenue Divisional Officer, Tirunelveli passed pursuant to the order of this Court dated 11.11.2019.

4. Post the matter on 08.11.2023.”

2.The claim of the petitioner is predicated on the ground that she is the 'destitute widow' and therefore, entitled to continue her appointment. Originally, her application to be declared as destitute widow has been rejected. That had been interfered with by this Court and the matter had been remanded to the jurisdictional Revenue Divisional Officer for the purpose of reconsideration.



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3.On reconsideration, the Revenue Divisional Officer, Sankarankovil has again reiterated the conclusion that the petitioner is not a destitute widow. Consequentially, cancellation of appointment under the said category cannot be found fault with. It is pertinent to point out that till date the proceedings of the Revenue Divisional Officer, Sankarankovil declaring the petitioner as not destitute widow has not been put to challenge. Under such circumstances, I have no other option than to uphold the order of cancellation of appointment. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

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

Yuva

To

1.The Director,
Department of Agriculture,
Chepauk, Chennai-600 005.

2.The Director,
Department of Seed Certification,
1424A, Thadagam Road,
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Coimbatore-641 013.



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V.LAKSHMINARAYANAN, J

Yuva

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