

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31015 of 2016

E.Sarasu

... Petitioner

vs.

1.The District Collector,
O/o.The District Collectorate,
Villupuram District.

2.The Personal Assistant to
District Collector,
Noon-Meal Project,
O/o.The District Collectorate,
Villupuram District.

3.The Block Development Officer,
Kallakurichi Block and Taluk,
Villupuram District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to consider the candidature of the petitioner on the basis of death certificate dated 29.7.2014 for the post of Assistant Cook scheduled to be held on 7.9.2016 or on some other day, without insisting Widow Certificate at present.

For Petitioner : Mr.R.Kumaravel

For Respondents : Mr.S.Gunasekaran, AGP
for R.1 and R.2
Mr.M.S.Ramesh, for R.3

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to consider her candidature on the basis of death certificate dated 29.7.2014 for the post of Assistant Cook scheduled to be held on 7.9.2016 or on some other day, without insisting Widow Certificate at present.

3. It is the case of the petitioner that she is 27 years old. Her husband died on 29.7.2014 at Tambaram Sanatorium Hospital due to chronic illness. Presently, she is doing coolie work and she has no financial support either from her in-laws or from her parents since they are also in poor condition. Now, the third respondent called for applications for the post of Assistant Cook at Panchayat Union Higher Secondary School, which is 300 metres away from her house and the petitioner applied for the same. She was called for interview by the third respondent vide letter dated 24.8.2016 along with the originals of School Transfer Certificate, age proof, ration card, community certificate, residence certificate, special certificate (widow / deserted) and income certificate. Except widow certificate, the petitioner got all the other certificates. Already, she has applied for widow certificate and the same is pending with the revenue authorities. Hence, she has made representation to the respondents to positively consider her candidature under preferential basis for the said post. She apprehends that since she has not been issued with widow certificate, she would not be considered under the widow category. In this regard, she sent a representation dated 1.8.2016 to the respondents. But, so far, the respondents have not considered the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner, learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 and 2 and the learned counsel, who has taken notice on behalf of the third respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the third respondent to consider the candidature of the petitioner on the basis of death certificate dated 29.7.2014 for the post of Assistant Cook scheduled to be held on 7.9.2016 or on some other day, without insisting Widow

Certificate at present. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Collector,
O/o.The District Collectorate,
Villupuram District.

2.The Personal Assistant to
District Collector,
Noon-Meal Project,
O/o.The District Collectorate,
Villupuram District.

3.The Block Development Officer,
Kallakurichi Block and Taluk,
Villupuram District.

1 cc to Mr.R.Kumaravel, Advocate, sr.50232

W.P.No.31015 of 2016

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kra 06.09.2016

सत्यमेव जयते

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