

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8084 of 2016

1 Kalaivani @ Kala @ Jessikala [Petitioner]

Vs.

1 The Director
Directorate of School Education
DPI Complex
College Road, Chennai-6

2 The Senior Accounts Officer
Accountant General (A & E)
No.361, Anna Salai
Teynampet, Chennai-18

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to conduct enquiry with regard to the name of the petitioner and dispose of the representation dated 19.1.2016 given to the 1st respondent within a stipulated time.

For Petitioner : Ms.A.Anusuya

For Respondents : Mr.S.Gunasekaran, AGP

O R D E R

The petitioner Kalaivani @ Kala @ Jessikala, claiming to be wife of late Mr.C.Devaraju has submitted a representation on 19.01.2016 before the first respondent seeking payment of family pension as per service records along with Death Certificate of her husband, legal heir certificate, ration card, Adhaar Card, Voters Identity Card and notary affidavit, wherein it has been stated that Kalavani @ Kala @ Jessikala are one and the same person. But, the said representation till date has not been disposed of, as a result of which, she has been forced to come

to this Court with a prayer to consider her representation.

2. Learned counsel for the petitioner would submit that the petitioner married her husband on 15.6.1976 as per the Christian Marriage Act at Arokiamada Church, Vellore. Before her marriage, she was known by name Kalaivani @ Kala. However, she got converted to Christianity and subsequently married late Mr.C.Devaraju. Only after she was baptized as per Christianity prior to her marriage ceremony on 15.6.1976, she was named as Jessikala by the Bishop of the Church and subsequent to the baptism, her name Jessikala was also entered in the Baptism register that is being kept at the Arokiamada Church, Vellore. Out of wedlock with her husband, they had begotten three children. They are Gopinath, Chithradevi and Rajkumar. In their School Certificates, mother's name has been entered as Kalavani and Family Ration Card shows the entry as Kalaivani along with her husband's name Devaraju. Even in the service records of her husband, entry has been properly made showing her name as Jessikala. Therefore, the petitioner is known and called as Kalaivani @ Kala @ Jessikala. After the death of her husband, the respondents will have to require with the legal obligation to disburse the family pension to the petitioner, but that has not been done. Therefore, a direction should be given to consider her case, she pleaded.

3. I find some force on the submissions made by the learned counsel for the petitioner for the reason that the records produced before this Court speak in one voice that the petitioner married late Mr.C.Devaraju only after she was baptized as per Christianity rites that took place prior to her marriage on 15.6.1976. Subsequently, she has been named as Jessikala by the Bishop of Church. The petitioner has also produced the Baptism Certificate issued by Rev.Father A.Octavius of Arokiamadha Church, Vellore. The petitioner has also produced a copy of Death Certificate of her husband C.Devaraju, legal heir certificate issued by the Tahsildar, Vellore, Family Ration Card, Bank pass book, Certificate issued by the Headmaster of Government Higher Secondary School, Chithathur and also Notary Affidavit.

4. Therefore, the first respondent, Director of School Education, Chennai is directed to consider the representation of the petitioner dated 19.01.2016 and after due enquiry, if necessary, on merits and in accordance with law, pass orders, within a period of eight weeks from the date of receipt of a copy of this order. The first respondent is also directed to avail the assistance of the jurisdictional Tahsildar for conducting enquiry in this matter. If any such assistance is called for from the first respondent, the concerned jurisdictional Tahsildar is directed to cooperate with the same.

5. The writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

To

1 The Director
Directorate of School Education
DPI Complex
College Road, Chennai-6

2 The Senior Accounts Officer
Accountant General (A & E)
No.361, Anna Salai
Teynampet, Chennai-18

copy to:

The Jurisdictional Tahsildar,
Vellore District

+1 cc to Ms.A.Anusuya Advocate sr.13986/16

+1 cc to Government Pleader sr.14289/16

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