



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20958 of 2016

Rajan : Petitioner

Vs.

1.The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai - 9.

2.The Revenue Divisional Officer,
Melur Division, Madurai District.

3.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate, Madurai - 625 020. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to give employment to the petitioner's daughter namely Thulasimani, D/o.Rajan as per her educational qualification, within the stipulated time as fixed by this Court vide representation, dated 21.07.2016.

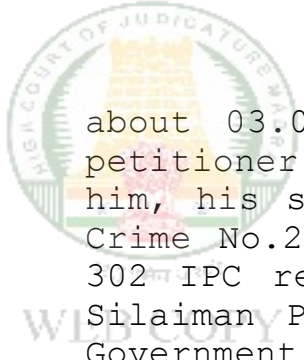
For Petitioner : Mr.K.Kulanthai Vikram
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to give employment to the petitioner's daughter namely Thulasimani, as per her educational qualification, by considering his representation, dated 21.07.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that the petitioner belongs to Pallar Community, which comes under Scheduled Caste. His son namely Muthumanickam was working in Bajaj Finance and earned Rs.12,000/- per month as salary and he also earned Rs.10,000/- per month as commission. His son's friend eloped with a girl. The girl belongs to Backward Class Community. The parents of the girl were trying to commit honour killing of the boy and girl. But, they escaped from them. Due to that motive, on 12.07.2016, at



about 03.00 p.m., the brother of the girl and others attacked petitioner's son with aruval and due to the injuries sustained by him, his son was died. In this regard, a case was registered in Crime No.287 of 2016, under Sections 147, 148, 341, 294(b), 307, 302 IPC read with Section 3(2)(v) of SC/ST Act, on the file of Silaiman Police Station. The State Government already issued a Government Order to the effect that the family members of the victim should be given employment. Therefore, the petitioner made a representation to the second respondent on 21.07.2016, seeking employment to his daughter, namely Thulasimani, who is studying III Year B.A. in a college at Madurai. Having received the representation, the second respondent forwarded the same to the third respondent. But, the same has not been considered so far. Therefore, this writ petition has been filed.

4.As per Section 23(1) of the Scheduled Casts and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Central Government is empowered to make the Rules and under Rule 12(5), the measures to be taken by the District Administration has been enumerated. Rule 15 provides for contingency plan to be submitted by the State Government to the Central Government, especially to the Department of Special Justice and Empowerment, Ministry of Social Justice and Empowerment.

5.Placing reliance on the above Rules and Provisions of the Scheduled Casts and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the learned counsel for the petitioner would submit that the petitioner's representation dated 21.07.2016, which has been forwarded by the second respondent to the third respondent must be directed to be considered.

6.The learned counsel for the petitioner also relies upon Rules 12(4) and 12(5) which read as follows:

"12.Measures to be taken by the District Administration:

... ..

(4)The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

(5)The relief provided to the victim of the atrocity dependant under sub-rule(4) in respect of death, or injury to, or damage to, property shall be in



addition to any other rights to claim compensation in respect thereof under any other law for the time being in force.

7. The learned Additional Government Pleader would submit that it is only the first respondent who is in-charge of preparing plan to consider the representation of the petitioner and therefore the third respondent must be directed to submit the representation to the first respondent, so that there is an effective consideration of the representation.

8. The claim is made on the ground that the deceased suffered from honour killing, in respect of which, the First Information Report has been laid in Crime No.287 of 2016 under Sections 147, 148, 341, 294(b), 307, 302 IPC read with Section 3(2)(v) of SC/ST Act.

9. Clauses (6) and (7) of Section 15A of the Act read as follows:

"15A. Rights of victims and witnesses:

... ..

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Ordinance shall provide to a victim, his dependent, informant or witnesses-

(a) the complete protection to secure the ends of justice;

(b) the travelling and maintenance expenses during investigation, inquiry and trial; and

(c) the social-economic rehabilitation during investigation, inquiry and trial;

(d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders".

10. Under such circumstances, if the Government has already come out with a plan and scheme for providing the employment to the victims, the third respondent shall consider the representation of the petitioner dated 21.07.2016 and pass appropriate orders in the light of Clauses (6) and (7) of Section 15A of the Scheduled Casts and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and if there is no scheme so far framed by the Government, third respondent shall forward the representation of the petitioner dated 21.07.2016 to the first respondent, who shall consider the same on merits and in accordance with law and pass further orders.



11. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

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Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai - 9.
2. The Revenue Divisional Officer,
Melur Division, Madurai District.
3. The District Adi Dravidar and Tribal Welfare Officer,
Collectorate, Madurai - 625 020.

+1cc to M/s.K.Kulanthi Vikram, Advocate in SR.65854

+1cc to the Special Government Pleader, in SR.66051

W.P (MD) No.20958 of 2016
03.11.2016

smn

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