



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.20780 of 2016

B.Karthee

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Principal Secretary,
Public Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.State of Tamil Nadu represented by,
The Principal Secretary,
Ministry of Women and Child Development,
Fort St. George, Chennai - 600 009.

3.State of Tamil Nadu represented by,
The Principal Secretary,
Social Welfare and Nutritious Meal Programme,
Fort St. George, Chennai - 600 009. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to fill the existing vacancy of Chairperson in Tamil Nadu State Commission for Women, Chennai, constituted under Section 3(2) (a) of Tamil Nadu State Commission for Women Act, 2008, within the time stipulated by this Court.

For petitioner

: Mr.R.Alagumani

For respondents

: Mr.T.S.Mohamed Mohideen

Additional Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition in *pro bono publico* for issuance of a Writ of Mandamus, directing the respondents to fill up the post of Chairperson and Members in Tamil Nadu State Commission for Women, Chennai, constituted under Section 3(2) (a) of the Tamil Nadu State Commission for Women Act, 2008.



2. The Tamil Nadu State Commission for Women Act, 2008 was enacted to promote the rights of women in the State of Tamil Nadu. The Act is intended primarily to protect the rights of women and to safeguard the same, provisions were made under Section 3(2) (a) of the Act for appointment of Chairperson.

3. It is the grievance of the petitioner that notwithstanding the expiry of the term of the then Chairperson and the Members, follow up action was not taken by the Government for appointment. The petitioner, therefore, filed this Writ Petition.

4. The factual matrix indicates that the term of the then Chairperson of the Tamil Nadu State Commission for Women expired on 31.01.2016. Similarly, the term of the Members also expired on 17.07.2015.

5. The written instructions obtained by the learned Additional Government Pleader from the Principal Secretary to the State Government of Tamil Nadu, Social Welfare and Nutritious Meal Programme Department, indicates that the Government has issued a notification calling for applications for appointment of Chairperson. The last date for submission of application was on 15.07.2017 and then it was extended up to 31.07.2017. The Government appears to have received 167 applications for the post of Chairperson and 236 applications for the post of members. The Government is in the process of scrutiny of the applications. According to the Principal Secretary, the applications would be processed and it would be placed before the Government, for appointment to the post of Chairperson and Members.

6. The documents produced by the Government clearly indicates that the Government is now seized of the matter. It is true that even the notification was issued only after the period of one year and six months, from the date of expiry of the term of the then Chairperson. Now, that the Government has initiated action for appointment to the post of Chairperson and Members to the Commission, there is no need for a factual adjudication of the matter. According to the Principal Secretary, the process would be completed within a period of two months.

7. In the result, a Writ in the nature of a Writ of Mandamus is issued, directing the respondents to complete the process of appointment of the Chairperson and Members of the Tamil Nadu State Commission for women, as expeditiously as possible and in any case, on or before 17- November-2017.



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8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To:

1. The Principal Secretary,
State of Tamil Nadu,
Public Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Principal Secretary,
State of Tamil Nadu,
Ministry of Women and Child Development,
Fort St. George, Chennai - 600 009.

3. The Principal Secretary,
State of Tamil Nadu,
Social Welfare and Nutritious Meal Programme,
Fort St. George, Chennai - 600 009.

+One cc to The Special Government Pleader, SR.No.79021

km/ssl
RL/5C/3P/MR/KKR/SAR1/12/10/2017

ORDER MADE IN

W.P. (MD) No. 20780 of 2016