



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 13.08.2018
CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P (MD) No. 17681 of 2018

WEB COPY

Thenmozhi

... Petitioner

Vs

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

2. The District Collector,
Madurai District,
Madurai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to give employment to the Petitioner as per the Petitioner's educational qualification within the stipulated time as fixed by this Court vide representations dated 27.4.2015, 4.8.2016 and 17.10.2016.

For Petitioner : Mr.C.Mayilvahana Rajendran.

For Respondents : Mr.K.Mu.Muthu

1 to 3

Addl.Govt.Pleader

ORDER

The Petitioner has come forward with this Writ Petition to issue a direction to the respondents to give employment to the Petitioner, as per the Petitioner's educational qualification within the stipulated time fixed by this Court vide representations, dated 27.4.2015, 4.8.2016 and 17.10.2016.

2.The case of the Petitioner is that the Petitioner is seeking appointment based on the educational qualification possessed by her and in this regard, she has made representations dated 27..4.2015, 4.8.2016 and 17.10.2016.

3.When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the deceased Petitioner's husband involved himself in a communal clash and that he was murdered by the



accused and that a charge-sheet, dated 1.7.2015 has also been filed, wherein it has been stated as under:

"That the Petitioner herein is the wife of the deceased Kathiresa kumar and the accused No.2 to 6 are the friends of the first accused. Moreover, the complainant and the deceased belong to Hindu Pallar community and accused No.1 and 3 belongs to Hindu Maravar Community and accused No.2 belongs to Hindu Kallar Community and accused No.5 belongs to Hindu Kammalar community and accused No.6 belongs to Hindu Mudhaliyar community and accused No.4 belongs to Hindu Pallar community."

The accused No.4 made cut the deceased on his scalp and left side of the head and made cut injuries."

4.The accused overt-act attributed to the accused has been drawn to the attention of this Court by the learned Additional Government Pleader appearing for the respondents 1 to 3 besides contending that the death caused to the deceased was not on account of his employment, but on account of the above communal clash.

5.Heard both sides.

6.It is seen that the deceased/Petitioner's husband did not meet his demise, while he was in public employment and therefore, the request of the Petitioner that she must be given a Government Job on the basis of her representations cannot be accepted, especially when her husband is in a private employment as Mason at the time of his death. If her contention is accepted, then her husband has to be regarded as a Martyr, as the legal heirs of Martyrs only are eligible to claim public employment, if they fulfil the eligibility criteria. Moreover, it is incorrect to state that only a particular caste community people got involved in the issue, as a perusal of the entire records would show that the members of her own community were also responsible for the cause of murder of her husband. Hence the relief sought for by the petitioner cannot be granted.

7.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/



To

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

2. The District Collector,
Madurai District,
Madurai.

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

+1cc to Mr.C.Mayilvahana Rajendran, Advocate SR.No.78398

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.78797

Vsn

MK/RP/SAR 1/07.09.2018/3P/6C

ORDER MADE IN
W.P(MD)No.17681 OF 2018
13.08.2018