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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.O.P(MD)No.11666 of 2019

Parvathi

...Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Aadi Dravidar Welfare Officer,
District Aadi Dravidar Welfare Department,
Trichy District.

3.The Deputy Superintendent of Police,
Manaparai Sub Division,
Trichy District.
(Crime No.272 of 2011)

...Respondents

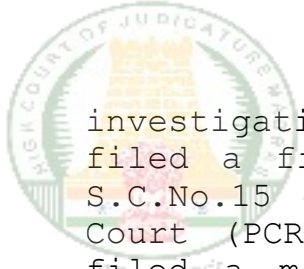
PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to directing the first respondent to implement the order of the Ist Additional Sessions Court, Trichy District Cum PCR Court, Trichy, dated 02.03.2012 in Cr.M.P.No.50 of 2012 and provide employment to the petitioner in any of the Government Department as per her qualification and education.

For Petitioner : Mr.R.Venkatesan
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Cr1.Side)

ORDER

This petition has been filed seeking a direction to the first respondent to implement the order of the Ist Additional Sessions Court, Trichy District Cum PCR Court, Trichy, dated 02.03.2012 in Cr.M.P.No.50 of 2012 and provide employment to the petitioner in any of the Government Departments as per her educational qualification.

2. The learned counsel for the petitioner would submit that petitioner's husband was murdered. A case has been registered in Cr.No.272 of 2011 for the offences under Sections 302 and 301 of IPC., r/w 3(1)(x) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995. After completion of



investigation, the Investigation Officer / third respondent herein filed a final report and the same has been taken cognizance in S.C.No.15 of 2012 on the file of the learned Additional District Court (PCR), Trichy. While the case is pending, the petitioner filed a miscellaneous petition in CrI.M.P.No.50 of 2012 seeking reliefs as contemplated under Sections 12(7), 12(4) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995. The learned trial Court directed the first respondent to provide job to the petitioner on the basis of her educational qualification by order dated 03.12.2012. Thereafter, the first respondent has not provided job till today. Though the petitioner repeatedly approached the trial Court, by filing another petition, the first respondent did not even comply with the order of trial Court. Finally, she sent a detailed representation on 15.06.2018 to the first respondent and it is pending without any action on the representation.

3. The learned Government Advocate (CrI.side) submitted that on the direction issued by the trial Court in CrI.M.P.No.50 of 2012, by order dated 02.03.2012, the first respondent provided job to the petitioner by the communication dated 15.06.2018, and she was appointed as Office Assistant in the Adidraavidar Government Higher Secondary School, Manapparai. Thereafter, she did not join in the said post and she demanded to be appointed as clerk in the Revenue Department. He further submitted that she completed only 10th standard. On the basis of her educational qualification, she was given suitable post as Office Assistant in the Adidraavidar Government Higher Secondary School, Manapparai. Therefore, the first respondent acted upon the order passed by the trial Court. He further submitted that even now, one post of Office Assistant is vacant in the same school.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) appearing for the respondents and perused the materials available on record.

5. On the murder of the petitioner's husband, a case was registered in Crime No.272 of 2011 and after completion of investigation, the respondent police filed a final report and the same has been taken cognizance in S.C.No.15 of 2012 for the offences under Sections 302 and 301 of IPC., r/w 3(1)(x) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995. Pending trial, the petitioner approached the trial Court by way of a petition in CrI.M.P.No.50 of 2012 for providing relief under Sections 12(7), 12(4) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995. Accordingly, the learned trial Court considered the application and directed the first respondent to provide all the facilities including to provide job on the basis of her educational qualification by order dated 03.12.2012. Accordingly, the first respondent issued appointment order dated 19.07.2015 to the petitioner to the post of Office Assistant at Adidraavidar Government Higher Secondary School,



Manapparai. Thereafter, the petitioner did not join in the said post and she demanded for some other post in the Revenue Department.

6. A perusal of the records shows that the petitioner also got an information under the Right to Information Act that there are same posts vacant in the Revenue Department in the same district. In this regard, the petitioner sent a detailed representation on 15.06.2018 and the same is pending on the file of the first respondent.

7. The learned Government Advocate (Crl.side) submitted that now one post of Office Assistant is vacant in the school of Adidraavidar Government Higher Secondary School, Manapparai and the respondent police will consider the petitioner's representation.

8. Considering the above facts and circumstances of the case, the first respondent is directed to consider the request made by the petitioner's representation, dated 15.06.2018 and provide suitable job on the basis of her educational qualification as directed by the trial Court in Crl.M.P.No.50 of 2012, dated 02.03.2012.

9. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The District Aadi Dravidar Welfare Officer,
District Aadi Dravidar Welfare Department,
Trichy District.
- 3.The Deputy Superintendent of Police,
Manaparai Sub Division,
Trichy District.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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+1CC TO MR.R.VENKATESAN, Advocate Sr. No.88688

Crl.O.P(MD)No.11666 of 2019
23.09.2019

MR(CO)
TR(21.10.2019) 4P 6C