



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM :

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.22244 of 2019

and

W.M.P. (MD)Nos.19021 and 19022 of 2019

K.R.Gayathri Devi

... Petitioner

vs.

1.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

2.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

3.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in Memo No.4873/PSD-H1/2013, dated 05.10.2019, issued by the third respondent and quash the same.

For Petitioner : Mr.R.Shriram

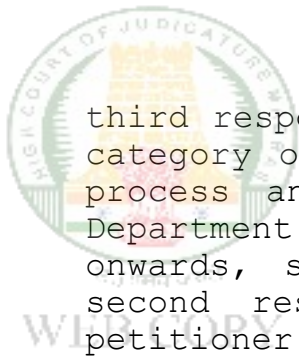
For R1 and R2 : Mr.S.Dhayalan
Government Advocate

For R3 : Mr.K.K.Senthil

ORDER

This Writ Petition has been filed seeking to quash the proceedings of the third respondent, in Memo No.4873/PSD-H1/2013, dated 05.10.2019.

2.According to the petitioner, her husband viz., Muthusamy died in an accident on 21.09.2001. After the death of her husband, she did not have any support from her parents and relatives. She is a ~~deserted~~ widow. In response to the advertisement issued by the



third respondent, the petitioner applied for Group - IV post in the category of destitute widow. She was successful in the selection process and was selected and posted in the Land Administration Department as Junior Assistant on 18.12.2013 and from that date onwards, she is continuously working as Junior Assistant in the second respondent Office. The third respondent directed the petitioner to produce original Destitute Widow Certificate within 15 days and informed the petitioner that her appointment is subject to production of Destitute Widow Certificate. The petitioner gave a petition to the first respondent/Revenue Divisional Officer, Sivakasi, Virudhunagar District, seeking Destitute Widow Certificate. Since the same was not considered, the petitioner filed W.P.(MD)No.1678 of 2015 before this Court, seeking a direction to the first respondent and the Tahsildar, Sivakasi Taluk, Virudhunagar District. This Court, by order dated 11.02.2015, directed the petitioner to approach the first respondent along with a representation for Destitute Widow Certificate and directed the first respondent to consider the same and pass orders on merits and in accordance with law, within a period of 15 days thereafter. Accordingly, the petitioner approached the first respondent and the first respondent, vide his proceedings dated 18.03.2015, rejected the petition filed by the petitioner for issuance of Destitute Widow Certificate. Hence, the petitioner has filed W.P.(MD)No.10253 of 2015, challenging the said order of rejection of the first respondent, rejecting the request of the petitioner for Destitute Widow Certificate. In view of the interim order granted by this Court, the petitioner is continuing in service. Pending the said Writ Petition, the petitioner filed an appeal before the District Collector on 17.04.2015. This Court, by order dated 24.06.2015, granted an order of interim stay and subsequently, the said Writ Petition was dismissed by this Court, vide order dated 20.06.2019. Thereafter, the said appeal was disposed of on 16.07.2019 by the District Collector. As per the order of the District Collector, again, the first respondent conducted enquiry and issued Destitute Widow Certificate dated 16.07.2019. The petitioner produced the said certificate to the third respondent on 17.07.2019. The third respondent, without considering the certificate produced by the petitioner cancelled the provisional selection of the petitioner and debarred the petitioner from participating in future selection process.

3.Challenging the same, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner contended that after the death of the petitioner's husband viz., Muthukumar, she did not re-marry. Even now, she is a Widow. A person promising to marry her, left her in a lurch after birth of female child. In view of the said fact, the family members of the petitioner are not supporting the petitioner and she is living with two minor female children in great difficulty. The petitioner has not suppressed



the fact. She is a destitute widow at the time of submitting application to the third respondent and she has not re-married after the death of her husband and prayed for allowing the Writ Petition.

5.The learned Government Advocate appearing for the respondents 1 and 2 submitted that as per the order of the District Collector, the first respondent conducted detailed enquiry and issued Destitute Widow Certificate dated 16.07.2019 to the petitioner to the effect that she is a destitute widow and produced the file before this Court.

6.The learned counsel appearing for the third respondent contended that after the death of her husband, viz., Muthukumar, the petitioner re-married and a female child was born in the wedlock. The petitioner has suppressed this fact and she was selected for appointment as Junior Assistant under destitute widow quota, when the third respondent directed the petitioner to produce the Destitute Widow Certificate, she filed W.P.(MD)No.10253 of 2015, challenging the order of the first respondent, rejecting the request of the petitioner for grant of Destitute Widow Certificate, the said Writ Petition was subsequently dismissed by this Court. The third respondent on coming to know that the writ petition filed by the petitioner was dismissed by this Court vide order dated 20.06.2019, cancelled the provisional selection of the petitioner by taking note of the order passed in the above said Writ Petition.

7.I have heard the learned counsel appearing for the parties and perused the materials on record.

8.From the materials on record, it is seen that the petitioner was selected by the third respondent to the post of Junior Assistant under the destitute widow category and the third respondent directed the petitioner to produce the original destitute widow certificate within 15 days from the date of selection. When the first respondent did not consider the petition filed by the petitioner for issuance of Destitute Widow Certificate, the petitioner filed W.P. (MD)No.1678 of 2015, seeking a direction to the first respondent to issue Destitute Widow Certificate. This Court, by order dated 11.02.2015, directed the first respondent to consider the request of the petitioner. The first respondent rejected the claim of the petitioner, by order dated 18.03.2015. Challenging the same, the petitioner has filed W.P.(MD)No.10253 of 2015. The said Writ Petition filed by the petitioner challenging the order of rejection was dismissed by this Court on 20.06.2019. After dismissal of the Writ Petition filed by the petitioner, the first respondent has conducted enquiry and being satisfied with the fact that after death of her husband viz., Muthukumar, the petitioner is in destitute condition and issued Destitute Widow Certificate dated 16.07.2019 to her. The third respondent contended that the petitioner re-married and she is no longer a widow. There is no evidence to substantiate the said contention. On the other hand, it is the contention of the



petitioner that she was cheated by a person, who promised to marry her and abandon her after birth of female child in the said relationship. From the certificate issued by the first respondent, dated 16.07.2019, it is clear that the petitioner is a destitute widow. From the file produced by the learned Government Advocate appearing for the respondents 1 and 2 and the Destitute Widow Certificate dated 16.07.2019, it is clear that the petitioner is a destitute widow. The third respondent failed to consider the said certificate and the representation of the petitioner and has erroneously cancelled the provisional selection of the petitioner.

9.In view of the Destitute Widow Certificate dated 16.07.2019, issued by the first respondent, the impugned proceedings of the third respondent dated 05.10.2019, is liable to be quashed, accordingly, quashed. This Writ Petition is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 2.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

+1 CC to M/s.GP (SR-99551[F] dated 19/11/2019)
+1 CC to M/s.R.SHRIRAM, Advocate (SR-99512[F] dated 19/11/2019)
+1 CC to M/s.K.K. SENTHIL, Advocate (SR-99640[F] dated 20/11/2019)

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JMN(05.12.2019) 4P : 7C