

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.10.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Writ Petition No.15339 of 2020
and W.M.P.No.19182 of 2020

Kanimozhi

.. Petitioner

vs.

1.State of Tamil Nadu Rep.by its
Secretary to Government,
Tamilnadu School Education Department
Secretariat, Fort. St. George
Chennai - 600 009.

2.The Joint Director
Directorate of School Education
DPI Complex, College Road
Chennai-600 006.

3.The Chief Educational Officer
Nagapattinam
Nagapattinam District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 3rd respondent in O.Mu.No.3396/A1/2019 dated 19.08.2020 quash the same and direct the respondents to consider the petitioner under the category of destitute widow based on the destitute widow certificate produced by the petitioner and appoint her as Lab Assistant in any suitable place.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.P.Raja, Government Advocate

O R D E R

The Writ Petition has been filed challenging the impugned order dated 19.08.2020 passed by the 3rd respondent, refusing to consider the destitute widow certificate obtained by the petitioner on the ground that the same was not produced by her at the time of Certificate Verification.

2.The facts are not in dispute. The petitioner is a destitute widow and she has been issued with a destitute widow certificate by the Revenue Divisional Officer on 24.05.2017. The petitioner's husband died on 22.08.2014. On 22.04.2015, the notification was issued by the respondents calling for application for appointment of the post of Lab Assistant. Therefore, the petitioner applied for the same under the category of destitute widow. She appears to have cleared the examination conducted by the respondents and thereafter received call letter 31.03.2017. She was provisionally selected to the post of Lab Assistant, subject to production of destitute widow certificate. At the time of Certificate Verification, the petitioner herein produced the widow certificate issued by the Tahsildar. However, the respondents insisted for production of the destitute widow certificate to be issued by the RDO, as per the notification dated 22.04.2015. Subsequent to the aforesaid intimation, on 23.05.2017, the petitioner has obtained the destitute widow certificate issued by the Revenue Divisional Officer.

3.Considering the above facts that the petitioner is indeed a destitute widow, she is entitled to be considered for appointment of Lab Assistant, in terms of the notification dated 22.04.2015. In view of the same, there shall be a direction to the 1st respondent to absorb the petitioner in the post of Lab Assistant, within a period of 30 days from the date of receipt of a copy of this order.

4.With the above direction, the Writ Petition is allowed. Consequently connected miscellaneous petition is closed. No costs.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

1.Secretary to Government,
Tamilnadu School Education Department
Secretariat, Fort. St. George
Chennai - 600 009.

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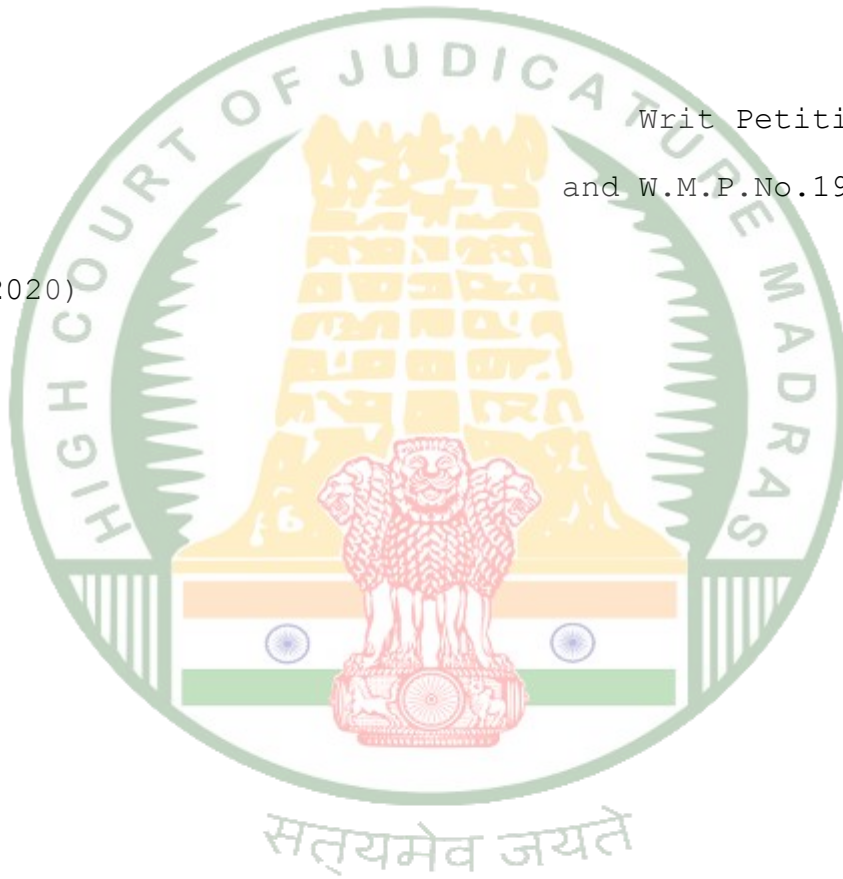
2.The Joint Director
Directorate of School Education
DPI Complex, College Road
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3.The Chief Educational Officer
Nagapattinam
Nagapattinam District.

+1 CC to Mr.S.Doraiswamy, Advocate sr 34805.
+1 CC to The Govt. Pleader sr 34809.

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SR(CO)
SP(11/11/2020)



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