



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7856 of 2020

Usaikumar

...Petitioner

-Vs-

1.The Director,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.

2.The District Collector,
District Collector Office,
Tirunelveli District,
Tirunelveli 627 009.

3.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District,
Tirunelveli 627 009.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to provide employment to the petitioner's son namely Eswar son of Usaikumar by considering his educational qualification as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 to 3 to provide employment to the petitioner's son namely, Eswar, son of Usaikumar by considering his educational qualification as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2015, within a time to be stipulated by this Court.

2.The case of the petitioner is that, the petitioner belongs to Scheduled Caste community and one of his son namely, Rajamani was murdered by other group people on 25.02.2019. Therefore, on the ground of the provisions available under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2015, he seeks for appointment on compassionate ground for his second son



one Eswar, who have completed already 12th standard (+2) and he is doing the Bachelor of Engineering course. Since the said request made by the petitioner has not been considered by the respondents, the petitioner has approached this Court with the aforesaid prayer.

3. Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner and also Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents, who has submitted, on instructions, that, pursuant to the request made by the petitioner, the same was considered by the respondents, especially the third respondent and on whose direction, the petitioner has already appeared before the third respondent for certificate verification, having verified the certificates, before passing any order, since the COVID-19 lock down period started some time in March-2020, immediate action could not be taken. However, at any rate, the grievance of the petitioner would be redressed by taking into account the application made by the petitioner to get job on compassionate ground to his second son under Rule 12 (4) of Scheduled Caste and Scheduled Tribes (Prevention of atrocities) Rule 2015 and in principle, the said request of the petitioner since has been accepted, suitable job would be given to him on priority basis as soon as vacancy arises. By making this submission the learned Government Advocate also produced a written instructions given to that effect by the third respondent on 28.07.2020 in R.C.No.H2/5075/2018, dated 28.07.2020 which reads thus:

"Sir,

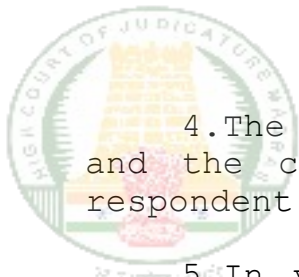
In respect of the affidavit filed to the W.P(MD). No.7856 of 2020 filed by Usaikumar the following information furnished to the Hon'ble High Court of Chennai (Madurai Bench).

The petitioner has sort for a job for his son Eswar under SC/ST Prevention of Atrocities Rules. The same was considered by me and a letter was sent to the petitioner to appear before respondents No.3 with relevant certificate. Accordingly, the petitioner appeared and produced the certificates.

Unfortunately the Spread of Corona Virus came and the lck down was declared on 23.03.2020. the respondent was considered the petition as per serial No.46 of Annexure 1 read with Rule 12(4) of Schedule Caste Prevention of Atrocities Rules 2015 and employment will be given on priority basis as soon as vacancy arises.

Hence, the department accepted the grievance of the petitioner and the job will be provided as soon as vacancy arises.

*District Adi Dravidar and
Tribal Welfare Officer,
Tirunelveli."*



4.The said submission made by the learned Government Advocate and the content of the written instructions given by the third respondent dated 28.07.2020 is hereby taken on record.

5.In view of the said submission made by the respondents the plea of the petitioner having been accepted, certainly on priority basis job would be given to the second son of the petitioner under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of atrocities) Rule 2015, immediately or as soon as the vacancy arises.

6.In view of the aforesaid stand taken by the respondents, by recording the said stand as stated above, this Court feels that no further orders required to be passed in this writ petition. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Director,
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KB(24.08.2020) 3P 4C