

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.448 of 2021

Kavitha

...Petitioner

Vs

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.

2. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai -9.

3. The District Collector,
Villupuram District,
Collector Office Road,
Moovendar Nagar, Villupuram,

4. Deputy Director,
District Employment Office,
Villupuram District, Villupuram

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to consider and pass orders on petitioner's representation dated 11.12.2020 by giving public employment to the petitioner in terms of Rule 12 and Sl.No.46 of Annexure I of the Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 with all consequential benefits.

For petitioner ... Ms.K.Nithyashree

For respondents 1 & 2 ... Mr.V.Prabhu, Govt. Advocate

For respondents 3 & 4 ... Mr.V.Shanmuga Sundar
Spl.Govt.Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 11.12.2020 seeking for public employment in terms of Rule 12 and Sl.No.46 of Annexure I of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, within a time frame to be fixed by this Court.

2. The case of the petitioner is that her husband, who belongs to Scheduled Caste was murdered on 16.01.2014. According to the petitioner under Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as well as under Sl. No.46(1) of Annexure - I of the said rules, the petitioner is entitled for employment for the death of her husband, who belongs to Scheduled Caste. It is the case of the petitioner that she has given several representations to the respondents and last such representation was given on 11.12.2020 seeking for employment for the death of her husband. It is her case that till date, the said representation has not been considered by the respondents. In such circumstance, she has filed this writ petition.

3. Heard Ms. Nithyasree, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Additional Government Pleader accepts notice on behalf of the 3rd and 4th respondents and Mr.V.Prabhu, learned Government Advocate accepts notice on behalf of the 1st and 2nd respondents.

4. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

5. The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner is considered on merits in accordance with law. The petitioner claims that she belongs to the Scheduled Caste and her husband, who also belongs to the Scheduled Caste was murdered on 16.01.2014. According to her, as per Rule 12(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and as per Sl.No.46(1) of the Annexure I of the said rules, the petitioner is entitled to seek employment from the State Government. She has given many representations and the last such representation was given on 11.12.2020. Admittedly, the said representation has not been considered by the respondents, till date.

6. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation, dated 11.12.2020 seeking for an employment to the petitioner in terms of Rule 12(4) and Sl. No.46(1) of the Annexure I of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

VSI2

To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai -9.
3. The District Collector,
Villupuram District,
Collector Office Road,
Moovendar Nagar, Villupuram,
Tamilnadu-605602.
4. The Deputy Director,
District Employment Office,
Villupuram District, Villupuram

+1cc to Mr.K.Nithyashree, Advocate, S.R.No.1132

+1cc to the Government Pleader, S.R.No.1122

W.P. No.448 of 2021

(CO)

rv(04/02/2021)

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