



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23888 of 2021

WEB COPY

R. Sarathkumar

.. Petitioner

Vs.

1. The Director,
Government Mental Health Center,
Kilpauk, Chennai-600 010.

2. The Tahsildar,
Font-Tondiapet Taluk,
Chennai-03.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to direct the 2nd Respondent to issue the combined/indigent certificate without insisting no objection from his mother within a reasonable time.

For Petitioner
For Respondents

: Mr. S. Sivakumar
: Mr. U. Baranidharan
Government Advocate.

O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to direct the 2nd Respondent to issue the combined/indigent certificate without insisting no objection from his mother within a reasonable time.

2. The case of the petitioner is that he is a daily wage employee belonging to the down trodden community. After the sudden demise of his father, who served as a sweeper in the Government Mental Health Centre, Kilpauk, he filed a petition before the 1st Respondent seeking appointment on compassionate grounds and produced his original certificates for the purpose of certificate verification. Thereafter the 1st Respondent issued a letter to the 2nd Respondent requesting to furnish the indigent certificate. Though the 1st respondent addressed multiple communications to the 2nd Respondent, however, the 2nd respondent failed to issue the indigent certificate and insisted the petitioner to produce the No Objection Certificate from his mother. Since the whereabouts of the petitioner's mother is not known as she left him and his sister, he could not produce the NOC from his mother. Hence the petitioner, left with no other remedy, had filed the present Writ Petition seeking the above relief.



3. Learned counsel for the petitioner further submits that even after series of communications from the 1st respondent, the 2nd Respondent failed to issue indigent certificate and insisting the petitioner to produce the No Objection Certificate from his mother but the petitioner could not obtain the same since his mother deserted him and his sister and that the petitioner is under care of his grandmother. He further submits that the 2nd Respondent failed to consider the NOC given by the other legal heirs and till date no action was taken.

4. The learned counsel for the 2nd Respondent submits that the petitioner has not produced the No Objection Certificate which is the sole ground for the non issuance of indigent certificate.

5. Taking into consideration the aforesaid submissions and in view of the stand of the petitioner that his mother deserted him and his sister and he has produced NOC from the other legal heirs and also the fact that the mother of the petitioner has not staked claim for compassionate appointment till date, this Court directs the 2nd respondent to issue the indigent certificate to the petitioner without insisting for NOC from his mother within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Director,
Government Mental Health Center,
Kilpauk, Chennai-600 010.

2. The Tahsildar,
Font-Tondiapet Taluk,
Chennai-03.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.57373
+1cc to the Government Pleader, S.R.No.50902

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PCH(CO)
KM(02/12/2021)