



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.33944 of 2019

R.Rekha

... Petitioner

vs.

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd Respondent in his proceedings Na.Ka.1883/2019/F, dated 07.11.2019 and quash the same and consequently direct the Respondents to issue genuineness for the Destitute Widow Certificate obtained by the Petitioner in Roc.No.3073/2011/F, dated 07.10.2011 within a stipulated period.

For Petitioner : Mr.V.Vjayashankar

For Respondents : Mr.U.Baranidharan,
Addl. Government Pleader

O R D E R

Petitioner has come up with this Writ Petition challenging the impugned order passed by the 3rd Respondent in his proceedings vide Na.Ka.1883/2019/F, dated 07.11.2019 and quash the same and for a consequential direction to the Respondents to issue genuineness for the Destitute Widow Certificate obtained by her vide Roc.No.3073/2011/F, dated 07.10.2011.

2. According to the Petitioner, she was appointed as Lab Assistant by the District Educational Officer vide proceedings



in Na.Ka.No.1792/A1/2012, dated 19.04.2017. During the selection process to the said post, the Petitioner submitted all her educational Certificates including Destitute Widow Certificate issued by the competent Authority. The case of the Petitioner is that, the 3rd Respondent issued the impugned order by stating that, the Destitute Widow Certificate of the year 2011 issued to the Petitioner, was not issued by their Office, as a result of which, she is facing 17(b) charges framed by the Department. Having no other alternative, the Petitioner has come up with this Writ Petition seeking the above relief.

3. Learned counsel for the Petitioner submitted that, Destitute Widow Certificate was issued to the Petitioner on 07.10.2011 by the 3rd Respondent herein and that, the impugned order was passed by the 3rd Respondent without even affording an opportunity of hearing to the Petitioner. He prayed that, the impugned order passed by the 3rd Respondent may be set aside and the matter may be remanded to the 3rd Respondent for fresh consideration for ascertaining the genuineness of the Destitute Widow Certificate issued by the 3rd Respondent herein.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. On a perusal of the records, it is seen that, Destitute Widow Certificate was issued to the Petitioner by the 3rd Respondent herein on 07.10.2011. While so, without even affording an opportunity of hearing to the Petitioner, the 3rd Respondent has passed the impugned order stating that, the said Certificate was not issued by their Office, which is clear violation of the principles of natural justice. Hence, the impugned order passed by the 3rd Respondent herein is set aside and the matter is remanded to the 3rd Respondent for fresh consideration of the Petitioner's case in accordance with law, after giving her an opportunity of hearing to establish that the Destitute Widow Certificate was issued by the 3rd Respondent. The 3rd Respondent shall pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.No.34519 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.

+lcc to Mr.V.Vjayashankar, Advocate SR. No. 62183
+lcc to Government Pleader SR. No. 62635

W.P.No.33944 of 2019

EV (CO)
PR (20/01/2022)