



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4710 of 2017

S.Priyadharshini

.. Petitioner

Vs

1.The State of Tamil Nadu rep., by its Secretary,
Scheduled Castes and Scheduled Tribes Welfare Department,
Secretariat, Fort St.George,
Chennai.

2.The District Collector/District Magistrate,
Office of the District Collector,
Thirunelveli District,
Thirunelveli.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide employment to the petitioner on the basis of her educational qualification under Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995 within the time stipulated by this Court.

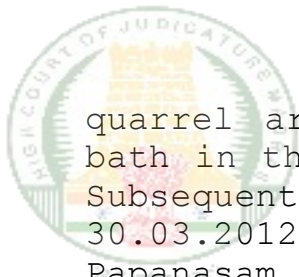
For Petitioner : Mr.S.Malaikani

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

The prayer sought for in the present writ petition is for a direction to the respondents to provide employment to the petitioner on the basis of her educational qualification under Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, within a stipulated time.

2. The case of the petitioner is that the petitioner's brother, namely, Sasikumar went with his friends Shajahan, Balaji and Rajesh in a Swift car bearing registration No.TN 59 AM 6688 on 29.03.2012 to Tirunelveli and in the meanwhile, one Karuppasamy, Essakkipandi and one Arunbaskar joined with them in Thalaiyoothu. Thereafter, they went to Papanasam to take bath in Akasthiyar falls. While taking bath at around 5.30 p.m., on 20.03.2012, a



quarrel arose between her brother and yet another person taking bath in the same falls, due to the activities of the said person. Subsequently and thereafter, they left the place. While so, on 30.03.2012, when her brother was standing in front of the lodge at Papanasam, some persons came and attacked her brother with beer bottle and iron rod and thereafter her brother was taken to Government hospital at Ambasamuthiram from where he had been referred to the Government Medical College Hospital at Tirunelveli and her brother was taken to Hanna Joseph Hospital at Madurai for further treatment. Immediately, the petitioner's mother made a complaint before the Vickramasingapuram Police Station and an FIR was registered in Crime No.109 of 2012 on 02.04.2012. In the meantime, the petitioner's brother died on 11.04.2012. Hence, the offences in Crime No.109 of 2012 were altered into 302 r/w Section 3(2)(v) of the SC/ST Prevention of Atrocities Act. Since the investigation done by the Law Enforcing Agency is not in a proper manner the petitioner's mother filed Crl.O.P.(MD).13811 of 2015 praying for transfer of investigation either to CBI or any other forum. This Court, by its order, dated 31.07.2015, issued a direction to the Assistant Superintendent of Police, Virudhunagar District to conduct a fair investigation and submit additional report before the trial Court. Since the petitioner is the sister of the deceased brother, victim of the Atrocity, she is entitled for employment under the government as provided in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995 and as per Rule 12(4) of the above said Rule, one family member of the victim shall be provided with employment in addition to other reliefs provided. Hence, the petitioner made a representation on 15.08.2016 and the respondents have received the said representation 19.08.2016. But no order has been passed on the said representation. Hence this writ petition.

3. The learned counsel for the petitioner would submit that it would be suffice, if this Court issues a direction to the respondents to pass orders on considering the petitioner's representation dated 15.08.2016 within a reasonable time as fixed by this Court.

4. The learned Government Advocate appearing for the respondents has no serious objection to consider the representation submitted by the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is



inclined to issue a direction to the respondents to consider the representation of the petitioner within a reasonable time. Accordingly, this Court directs the respondents to consider the representation of the petitioner dated 15.08.2016, and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order, if not disposed of already. The petitioner is directed to produce a copy of the representation along with a copy of this order to enable the respondents to take further action in this regard.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Secretary,
State of Tamil Nadu,
Scheduled Castes and Scheduled Tribes Welfare Department,
Secretariat, Fort St.George, Chennai.

2.The District Collector/District Magistrate,
Office of the District Collector,
Thirunelveli District, Thirunelveli.

+1 CC to M/S.S.MALAIKANI, Advocate (SR-9956[F] dated
10/03/2021)

+1 CC to M/s.SPL GP (SR-10607[F] dated 11/03/2021)

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KM(17.05.2021) 3P 5C

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