



W.P.(MD)No.15160 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.15160 of 2022
W.M.P(MD).No.10855 of 2022

Arul Mozhi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Home Department,
Fort St.Geroge,
Chennai.

2.The District Collector,
O/o.The District Collector,
Madurai District.

3.The District SC/ST Welfare Officer,
O/o.The District SC/ST Welfare Officer,
Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the



W.P.(MD)No.15160 of 2022

respondents to provide the government employment to the petitioner on the SC/ST[POA] Rules compassionate ground in any suitable post based on her educational qualification by considering the petitioner's representation dated 26.05.2022.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to provide government employment to the petitioner on compassionate ground in any suitable post, based on her educational qualification by considering the petitioner's representation dated 26.05.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner's husband namely Muthalagu belongs to Hindu Paraya Community and the petitioner belongs to Hindu Maruthuvar Community.



W.P.(MD)No.15160 of 2022

WEB COPY

They fell in love and got married in the year 2004. They have two children namely Arul Muthu and Bala Murali. Her husband was only the breadwinner of the family and he was serving as Union District Deputy Organizer in Viduthalai Siruthaigal Political Party from Tamilnadu. He worked against caste oppressions, atrocities against the Dalith people, Liquor addiction etc., Due to that, Anti social elements and dominant caste Hindus got vengeance against her husband and her husband was murdered on 28.06.2017. In this regard, a case was registered in Crime No.446 of 2017 for the offence under Sections 109, 120B, 147, 148, 149, 294(b), 302, 342 of IPC, 3(1)(r), 3(1)(s), 3(2)(v) SC/ST (POA) Amendment Act, 2014 and the case is still pending.

3. He further submitted that Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1995, read with Serial No.46 of Schedule in Annexure (1) provides for employment to the family member of the deceased. The petitioner has studied upto the 10 Standard and passed examination in Typewriting (Junior) Grade. Hence, she has submitted an application for appointment under the



W.P.(MD)No.15160 of 2022

WEB COPY

aforesaid Rule and she was asked to produce certain details. Even after the production of details and sending representation dated 26.05.2022 for providing suitable employment under the aforesaid Rule, there is no response from the respondents. Hence, the present writ petition has been filed.

4. Mr.G.Suriyanath, learned Additional Government Pleader takes notice for the respondent and submits that the representation of the petitioner would be considered.

5. This Court considered the rival submissions made on both sides and perused the materials available on record.

6. From the facts narrated above, it is not in dispute that the petitioner's husband namely Muthalagu belonged to Hindu Parayar Community and he was murdered on 28.06.2017. In this regard, a case was registered in Crime No.466 of 2017 for the offence under Sections as indicated earlier. Rule 12(4) of the Scheduled Castes and Scheduled



W.P.(MD)No.15160 of 2022

WEB COPY Tribes (Prevention of Atrocities) Act, 1995 reads as follows:-

.....The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these Rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

7. This Rule mandates the District Magistrate or Sub-Divisional Magistrate or any other Executive Magistrate to make necessary arrangements and provide relief in cash or in kind or both. Serial No.46 of Schedule in Annexure (1) deals with additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity. In case of death, the basic pension to the widow or other dependents of the deceased person amounting to five thousand rupees per month with admissible dearness allowance and employment to one



W.P.(MD)No.15160 of 2022

WEB COPY

member of the family of the deceased are to be provided. Thus, it is clear from Rule 12(4) of the Act and Serial No.46 of Schedule in Annexure (1) that since the petitioner is the widow of the deceased Muthalagu, she is entitled for suitable employment to her qualifications. In fact, on the basis of the application submitted by the petitioner, she was asked to produce Combined Certificate and Indigent Certificate, as per the proceedings, dated 12.02.2021. The petitioner has complied with the requirement and produced the relevant required certificates. Even thereafter, she was not provided employment.

8. Considering the legality and merits of the claim of the petitioner as per the Rule 12(4) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1995 and Serial No.46 of Schedule in Annexure (1), and that her claim is genuine, this Court directs the respondents to consider the representation of the petitioner, dated 26.05.2022 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD)No.15160 of 2022

WEB COPY

9. It is also submitted by the learned counsel appearing for the petitioner that she was receiving the monthly pension till March 2022 and thereafter, she was not paid the monthly pension. Rule 12 (4) of the Act and Serial No.46 of Schedule in Annexure (1) mandates the payment of monthly pension. Therefore, the third respondent is directed to pay the monthly pension continuously unless, there is a valid reason for holding the pension.

10. Accordingly, the Writ Petition stands disposed of. No costs.
Connected miscellaneous petition is closed.

13.07.2022

Internet: Yes
Index : Yes/No
ssb



W.P.(MD)No.15160 of 2022

To
WEB COPY

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Home Department,
Fort St.Geroge,
Chennai.
- 2.The District Collector,
O/o.The District Collector,
Madurai District.
- 3.The District SC/ST Welfare Officer,
O/o.The District SC/ST Welfare Officer,
Madurai District.



WEB COPY



W.P.(MD)No.15160 of 2022

G.CHANDRASEKHARAN, J.

ssb

W.P.(MD)No.15160 of 2022

13.07.2022