



W.P.No.11877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11877 of 2023

G.Janani

... Petitioner

Vs.

1. The Collector,
Collectorate Complex,
Thiruvannamalai District.

2. The Revenue Divisional Officer,
Arani Taluk,
Thiruvannamalai District.

3. The Tahsildar,
Arani Taluk,
Thiruvannamalai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the order of the second respondent dated 19.10.2022, vide his letter in O.Mu.A4/4478/2022 and quash the same and further direct the second respondent to issue a certificate declaring petitioner as a destitute widow, in accordance with G.O.No.395, Personnel and Administrative Reforms (PER.S) Department), dated 04.11.1993.



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For Petitioner : Mr.S.Suresh
For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned order of the second respondent, vide letter in O.Mu.A4/4478/2022 dated 19.10.2022, quash the same and further direct the second respondent to issue a certificate declaring the petitioner as a destitute widow, in accordance with G.O.No.395, Personnel and Administrative Reforms (PER.S) Department), dated 04.11.1993.

2. The case of the petitioner is that the petitioner got married Gowri Shankar on 07.02.2020 and her husband was died on 02.01.2022. The petitioner is 22 years old at the time of her husband's death and thereafter she has not remarried to anyone. The third respondent issued a widow certificate on 07.03.2022 confirming that she is not remarried. Further, she has studied B.A. in Distance Education and appeared for TNPSC Group IV Exam for the post of Typist under Destitute Widow quota



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and got selected also. The Destitute Widow Certificate should be produced before the authorities on or before 05.05.2023. In order to avail the same, she has applied for issuance of Destitute Widow Certificate on 13.04.2022 to the second respondent. But the same has been rejected by the second respondent on 19.10.2022 on the ground that she cannot be declared as 'Destitute Widow' as per G.O.No.395, Personnel and Administrative Reforms (PER.S) Department), dated 04.11.1993, since the petitioner's mother and uncle are earning and financially supporting her. Challenging the impugned order dated 19.10.2022, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that as per G.O.No.395, Personnel and Administrative Reforms (PER.S) Department), dated 04.11.1993, if the widow earning not more than Rs.4,000/- (Rupees Four Thousand only), she is not entitled to be declared as 'Destitute Widow'. However, without considering the said G.O.No.395, dated 04.11.1993, the second respondent has mechanically passed the



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impugned order, as if the petitioner's mother is in employment and also the petitioner was taken care of her uncle. However, the reason assigned in the impugned order may not be justifiable, accordingly, he prayed for allowing the Writ Petition.

4. The learned Special Government Pleader appearing for the respondents would submit that since the petitioner's mother is in employment and also the petitioner was taken care of her own uncle, thereby, the second respondent has rejected the petitioner's application. However, the reason assigned in the impugned order is not in consonance with G.O.No.395, dated 04.11.1993. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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6. The facts in the present case are not in dispute. Admittedly, the petitioner's husband passed away on 07.02.2020 and as on date, the petitioner has not been remarried. She has also obtained widow certificate from the third respondent on 07.03.2022 and thereafter, she made an application on 13.04.2022 before the second respondent for issuance of Destitute Widow Certificate in terms of G.O.No.395, Personnel and Administrative Reforms (PER.S) Department), dated 04.11.1993 and the same has been rejected vide impugned order, dated 19.10.2022.

7. For better appreciation, the "Definition of Destitute Widow" in G.O.No.395, Personnel and Administrative Reforms (PER.S) Department), dated 04.11.1993, reads as follows:

"I. DEFINITION OF "DESTITUTE WIDOW":-

The term "destitute widow" is hereby defined as a widow whose total monthly income from all sources is not more than Rs.1,000/- (Rupees One Thousand only) including any family pension or other receipts including income from private practice in the case of professionals. A divorcee will not, however, be treated as a "widow".



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**II. FORMANT AND COMPETENT
AUTHORITY FOR ISSUE OF CERTIFICATE TO
CANDIDATES CLAIMING TO BE "DESTITUTE
WIDOW":-**

The format for issue of the certificate to candidate claiming to be "destitute widows" is appended to this order. The Revenue Divisional Officer, is empowered to issue such a certificate."

8. A perusal of the said G.O. makes it clear that the term 'Destitute Widow' is defined as a widow, whose total monthly income from all sources is not more than Rs.1,000/- (Rupees one Thousand only) and subsequently it is enhanced to Rs.4,000/- (Rupees Four Thousand only) including any family pension or other receipts including income from private practice in the case of professionals, is not entitled for destitute widow.

9. However, in the present case, the impugned order is passed as if the petitioner's mother is in employment and also the petitioner was taken care by her uncle, is not in consonance with G.O.No.395, dated 04.11.1993. Hence, the impugned order passed by the second respondent dated 19.10.2022 is liable to be set aside.



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10. Accordingly, this Writ Petition is allowed and the impugned order passed by the second respondent is set aside and the matter is remitted back to the second respondent for fresh consideration. While reconsidering the same, the second respondent is directed to issue a Destitute Widow Certificate to the petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

19.04.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

Note : Issue order copy on 21.04.2023

vji

To

1. The Collector,
Collectorate Complex,
Thiruvannamalai District.
2. The Revenue Divisional Officer,
Arani Taluk,
Thiruvannamalai District.
3. The Tahsildar,
Arani Taluk,
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M.DHANDAPANI,J.

vji

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