



W.P.(MD).No.6411 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6411 of 2023

G.Anusiya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Adi-Dravidar & Tribal Welfare Department,
Secretariat,
Chennai.

2.The Director,
Adi-Dravidar & Tribal Welfare Department,
Chepauk,
Chennai.

3.The District Collector,
Kanyakumari District,
Kanyakumari.

4.The District Welfare Officer,
Adi-Dravidar & Tribal Welfare Department,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to appoint the petitioner on the basis of compassionate appointment with



W.P.(MD).No.6411 of 2023

consequential benefits as relief for murdering her brother namely Vinoth, S/o.Gunasekaran on 02.05.2020 in the light of Annexure-I of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules, 1955 by considering the petitioner's representation dated 12.11.2022 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : M/s.T.Villavan Kothai,
Additional Government Pleader.

ORDER

This Writ Petition is filed for Writ of Mandamus seeking compassionate appointment.

2. The contention of the petitioner is that the petitioner's brother namely Vinoth, son of Gunasekaran was killed in a dispute on 02.05.2020. The petitioner belongs to Scheduled Caste community. Under Rule 46 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1955, the scheduled caste person is entitled to basic pension, employment, provision of agricultural land and house, full cost of education, provision of utensils, rice etc. The rule further states that additional relief of compassionate appointment to victims of murder, death, massacre, rape, gang rape, permanent



W.P.(MD).No.6411 of 2023

incapacitation and dacoity shall be granted. The petitioner is seeking relief based on the aforesaid rule.

3. The contention of the respondents is that the petitioner is the sister of the deceased and she will not be the legal heir of the deceased. Moreover, the petitioner parents are alive. In such circumstances, the petitioner's claim cannot be considered.

4. Therefore, without expressing any opinion on the rival claims, this Court simply directs the respondents to consider and pass orders in accordance to rules prescribed thereunder. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

24.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



W.P.(MD).No.6411 of 2023

To

WEB COPY

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W.P.(MD).No.6411 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.6411 of 2023

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