



W.P(MD)No.5940 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5940 of 2023

Vairavakesu

... Petitioner

Vs

- 1.The State represented by
The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The State represented by
The Principal Secretary,
Adi Dravidar and Tribunal Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 3.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 4.The District Adi Dravidar and Tribunal Welfare Officer,
Office of the District Adi Dravidar and Tribunal Welfare Officer,
Ramanathapuram District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.

... Respondents



W.P(MD)No.5940 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to provide employment to the petitioner's daughter by name V.Abinaya in any suitable post by considering her educational qualification in accordance with Rule 12(4) of the Scheduled Castes and the Schedule tribes (Prevention of Atrocities) Rules 1995, consequently direct the third respondent to provide basic pension and agricultural land to the petitioner in accordance with Rule 12(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995 in accordance with law within the time stipulated by this court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner's son Aravinthan was murdered on 21.03.2020. In this regard, Crime No.67 of 2020 was registered on the file of Devipattinam Police Station for the offences under Sections 147, 307, 302 IPC and Section 3(1)(r) of SC/CT (Prevention of Atrocities) Act, 1989. The petitioner has now filed this writ petition contending that the Government must offer a suitable post for his daughter V.Abinaya by considering her educational qualification. A representation was already submitted. Since no order has been passed thereof, the present writ petition came to be filed.



W.P(MD)No.5940 of 2023

3. The learned counsel appearing for the petitioner relies on Rule 12(4) of SC/CT (Prevention of Atrocities) Rule, 1995. He also refers to the order dated 21.09.2016 in W.P(MD)No.23035 of 2015. The learned counsel reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant the relief as prayed for.

4. The learned Additional Government Pleader appearing for the respondents submitted that direction can be given to the third respondent to consider the petitioner's representation on merits and in accordance with law.

5. I carefully considered the rival contentions and went through the materials on record.

6. No doubt the petitioner has to be considered as a victim of caste atrocity. His son had been murdered and the jurisdictional Police have registered a case and also invoked the provisions of SC/CT (Prevention of Atrocities) Act, 1989. Rule 12(4) of the SC/ST Rules is as follows:

**“12. MEASURES TO BE TAKEN BY THE DISTRICT
ADMINISTRATION :-**

(4) The District Magistrate or the Sub Divisional Magistrate or any other Executive Magistrate shall make



WEB COPY



W.P(MD)No.5940 of 2023

arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependents according to the scale as in the schedule annexed to these Rules **(Annexure-I read with Annexure-II)**. Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.”

The relevant part of Clause 21 of Annexure-I of the SC/ST Rules reads as follows:

Sl. No.	Name of Offence	Minimum amount of relief
21	Victim of murder, death, massacre, rape mass rape and gang rape, permanent incapacitation and dacoity	In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:- (i) Pension to each widow and/or other dependents of deceased SC and ST @ Rs. 1,000/- per month, or Employment to one member of the family of the deceased, or provision of agricultural land, an house, if necessary by outright purchase. (ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/ residential schools. (iii) Provision of utensils, rice, wheat, dals, pulses, etc. for a period of three months.



W.P(MD)No.5940 of 2023

The Act provides for payment of a sum of Rs.8,25,000/- (Rupees Eight Lakhs Twenty Five Thousand only). It is stated that 50% of the amount has already been paid. If the balance amount has not been paid, the third respondent is directed to pay the same within a period of four weeks from the date of receipt of a copy of this order.

7. As regards giving additional relief, this Court cannot issue any positive direction to the third respondent to appoint the petitioner's daughter in any particular post. I therefore direct the third respondent to consider the petitioner's representation and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of accordingly. There shall be no order as to costs.

14.06.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai – 600 009.



WEB COPY



W.P(MD)No.5940 of 2023

G.R.SWAMINATHAN, J.

MGA

- 2.The Principal Secretary,
Adi Dravidar and Tribunal Welfare Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 3.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 4.The District Adi Dravidar and Tribunal Welfare Officer,
Office of the District Adi Dravidar and Tribunal Welfare Officer,
Ramanathapuram District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.

W.P(MD)No.5940 of 2023

14.06.2023