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W.P.(MD)NO.14728 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14728 of 2023

A.Rajeswari

... Petitioner

Vs.

The Regional Manager,
State Bank of India,
Regional Business Office,
Region-4 Dindigul, Plot No.5,
Rajakkapattipirivu,
Trichy Bypass Road,
Dindigul – 624 004.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's application for compassionate appointment without insisting the Registration certificate under the Tamil Nadu Registration of Marriages Act, 2009 for the petitioner's marriage dated 25.01.2021 within stipulated time fixed by this Court on the basis of the petitioner's representation dated 06.06.2023.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent: Mr.M.Ponnaiah,
Standing Counsel.

**ORDER**

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Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondent Bank.

2. One Senthilkumar was employed as Deputy Manager in the respondent bank. He passed away on 13.10.2022 in a road accident. Crime No.517 of 2022 was registered on the file of Palani Town police station. The petitioner had approached the respondent seeking appointment on compassionate ground on the ground that she is the legally wedded wife. The respondent had returned the petitioner's application and asked the petitioner to re-submit the same along with other relevant records including her marriage certificate. The case of the petitioner is that the marriage was not formally registered. It is further stated that Senthilkumar was originally wedded to one Divyabharathi and their marriage was dissolved in terms of Decree dated 12.09.2017 on the file of the Sub Court, Perambalur in H.M.O.P.No.6 of 2016. Likewise the petitioner's marriage with one Vasanth was also dissolved vide Decree dated 16.07.2019 on the file of the



Sub Court Virudhunagar in H.M.O.P.No.59 of 2019. Since the respective first marriages have been dissolved in the manner known to law, there was no impediment for the petitioner and Senthilkumar to get married. The petitioner had stated in her affidavit that she got married to Senthilkumar on 25.01.2021 at Arulmighu Subramaniya Swamy temple, Thiruparangundram. However, the marriage was not registered. It is true that the registration of marriage has been made compulsory. But non-registration of marriage will not have any bearing on the validity of marriage.

3. The respondent shall not reject the petitioner solely on the ground of her failure to produce the marriage certificate. However, the petitioner is obliged to place all the relevant materials to show that the marriage between her and Senthilkumar was solemnized in the manner known to law. It is for the authority to take a call in the matter. It is not for this Court to go into the issue. That would be a pre-mature exercise. As and when the application is resubmitted by the petitioner, appropriate orders on merits will be passed by the respondent. Non-furnishing of marriage certificate will not be



fatal. What I have directed is consideration of the petitioner's application and I have not laid down any principle as such.

With this clarification and observation, this writ petition stands disposed of. No costs.

22.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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G.R.SWAMINATHAN,J.

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