



W.P.(MD)No.15985 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15985 of 2025

Maalaiyammal

... Petitioner

-VS-

1.The Joint Director,
Health Service (Public Health and Prevent Medicine) Department,
Tenkasi.

2.The Office Superintendent,
The Office of the Deputy Director of Health Service
(Public Health and Prevent Medicine) Department,
Tenkasi.

3.Mariyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take appropriate steps to remove the names of the illegitimate wife and daughter of the third respondent from the service register of third respondent and include the petitioner and daughter of the petitioner and third respondent in the third respondent's service register book, by considering the petitioner's representation dated 30.04.2025.

For Petitioner

: Mr.A.Arul Jenifer
for M/s.KBS. Law Office



WEB COPY



W.P.(MD)No.15985 of 2025

For R1 and R2

: Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to take appropriate steps to remove the names of the illegitimate wife and daughter of the third respondent from the service register of the third respondent and to include the names of the petitioner and her daughter, who are the lawful wife and daughter of the third respondent, in the service records of the third respondent, by considering the petitioner's representation dated 30.04.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

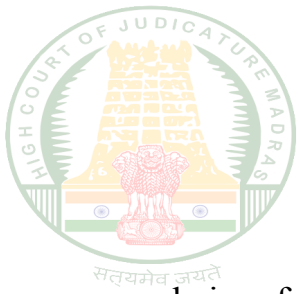
3. The learned counsel for the petitioner submits that the petitioner was lawfully married to the third respondent, Mariyappan, on 22.08.1991 at TN.Pudukudi Village, Puliyanakudi Taluk, in accordance with the customary practices and in the presence of relatives from both the families. They were blessed with a female child, namely, Sharmila. Though the petitioner and the third respondent are presently living separately due to marital discord, there has been



W.P.(MD)No.15985 of 2025

no legal dissolution of the marriage and the marital relationship subsists in the eyes of law. The third respondent, however, has been living with another woman and has fathered a child namely, Jeyarani through the said illicit relationship.

4. The learned counsel for the petitioner further submits that such a relationship is neither lawful nor recognized under the law. The petitioner, a retired Special Grade Nurse, recently became aware that the third respondent, who is employed as a Pharmacist at the Government Hospital, Sivagiri, has unlawfully entered the names of the said woman and her daughter as his legal heirs and nominees in his official service records. On coming to know about the said facts, the petitioner submitted a detailed representation dated 30.04.2025 to the first respondent, enclosing documentary proof of her lawful marriage to the third respondent and the birth details of her daughter Sharmila, requesting removal of the illegally included names from the service register of the third respondent and inclusion of her own name and that of her daughter. Despite the representation having been duly submitted through registered post, no action has been taken by the first respondent to rectify the service records of the third respondent. As the petitioner and her daughter are the only lawful wife and legal



W.P.(MD)No.15985 of 2025

heirs of the third respondent, the failure to take appropriate action has compelled the petitioner to approach this Court seeking necessary directions.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that the present writ petition is not maintainable, as the claims made by the petitioner raise disputed questions of fact, particularly, regarding the marital status and legitimacy of the legal heirs, which cannot be adjudicated in a writ jurisdiction under Article 226 of the Constitution of India.

6. The learned Special Government Pleader further submits that the third respondent, Mariyappan, has been in a long-standing domestic relationship with the second woman and their relationship is not casual or clandestine, but akin to a marital partnership. The child Jeyarani was born out of this relationship and has been raised as his dependent. The inclusion of the names of the said woman and her daughter in the service records was done by the third respondent himself in his capacity as a Government servant, in exercise of his discretion regarding nomination and dependents, as permitted under the service rules.



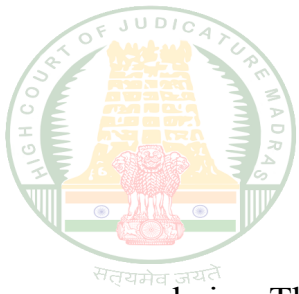
W.P.(MD)No.15985 of 2025

WEB COPY

7. It is further submitted that the petitioner and the third respondent have been estranged for several years and the petitioner has not cohabited with him for a considerable period. The petitioner has failed to take any legal steps under personal laws for restitution of conjugal rights or maintenance during all these years. Without prejudice to the above contentions, the learned Special Government Pleader submits that the claim of the petitioner can only be resolved by a competent Civil Court, where evidence can be properly appreciated and not through summary proceedings in a writ petition and therefore, the learned Special Government Pleader prayed for dismissal of the Writ Petition.

8. This Court has carefully considered the submissions made by the learned counsel appearing for the parties, perused the records and examined the relief sought by the petitioner.

9. The core issue raised in the writ petition involves the legality of the marital relationship between the petitioner and the third respondent and the legitimacy of the individuals named in the service register as nominees/legal



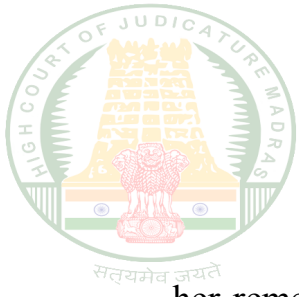
W.P.(MD)No.15985 of 2025

heirs. These are disputed questions of fact that require detailed examination of evidence, including personal documents, witness testimony and adjudication of personal law matters, none of which can be effectively decided in writ jurisdiction under Article 226 of the Constitution of India.

10. It is well settled that issues involving determination of civil rights, particularly, with respect to matrimonial status and legal heirship, are best addressed by the competent Civil Court having jurisdiction over such matters, after a full-fledged trial.

11. This Court also notes that the third respondent, being a Government employee, is entitled under service rules to nominate persons of his choice for certain benefits and any claim to challenge such nomination, must be substantiated through proper legal proceedings.

12. In view of the above and without expressing any opinion on the merits of the rival claims, this Court is of the opinion that the present writ petition is not maintainable and is accordingly dismissed. The petitioner is at liberty to work out



W.P.(MD)No.15985 of 2025

her remedy before the appropriate civil forum, if so advised, in accordance with law. There shall be no order as to costs.

NCC : Yes / No

18.06.2025

Index : Yes / No

smn2

To:-

- 1.The Joint Director,
Health Service (Public Health and Prevent Medicine) Department,
Tenkasi.
- 2.The Office Superintendent,
The Office of the Deputy Director of Health Service
(Public Health and Prevent Medicine) Department,
Tenkasi.



WEB COPY



W.P.(MD)No.15985 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.15985 of 2025

18.06.2025