



W.P.(MD).No.24160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24160 of 2023

D.Sridevi

... Petitioner

Vs

1. The Secretary,
Government of TamilNadu,
AdiDravidar and Tribal Welfare Department,
Fort St. George,
Chennai-600 009.

2. The District Collector,
Sivagangai District.

3. The District Adi-Dravidar and Tribal Welfare Officer,
District Collector Office,
Sivagangai District.

4. The Director,
National Commission for Schedule Castes,
And Scheduled Tribes,
Government of India,
2nd Floor, Block-5,
Shastri Bhavan,
Chennai-600 006.

5. The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.

...Respondents



W.P.(MD).No.24160 of 2023

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to provide employment to the petitioner's son namely D.Gokulakrishnan on the communal murder of her husband Dhanasekaran by considering her educational qualification as per Serial No.46 of Annexure-I read with Rule 12(4) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and pay compensation Rs.8,25,000/- and to dispose of the representation dated 03.02.2020 and 18.07.2022.

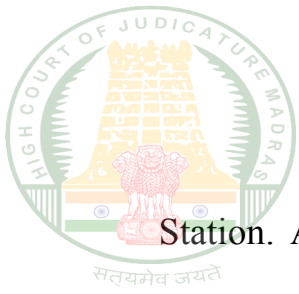
For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The instant writ petition has been filed seeking a mandamus to direct the respondents to provide employment to the petitioner's son namely D.Gokulakrishnan, on the communal murder of her husband Mr.Dhanasekaran, by considering his educational qualification as per Serial No.46 of Annexure-I read with Rule 12(4) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.

2. A perusal of the records reveal that the petitioner's husband namely Dhanasekaran was murdered due to communal clash on 28.05.2018. A FIR has been registered in Crime No.32 of 2018, on the file of Palayanoor Police



W.P.(MD).No.24160 of 2023

Station. A Final report has also been filed for the offences punishable under Sections 120(b), 147, 148, 452, 294(b), 324, 326, 307, 302 (3 counts) of IPC and 3(1) of TNPPDL Act and 3(1)(r)(s) 3(2) (v), 3(2) (va) of SC/ST (POA) Amendment Act 2015 r/w.149 of IPC. Further, after full fledged trial, the Accused Nos.1 to 27 were found guilty and they were convicted by the Special Court on 05.08.2022 in Spl.C.No.65 of 2018.

3. The petitioner herein has given a representation to the respondents on 03.02.2020 and 18.07.2022, seeking employment for her son namely D.Gokulakrishnan, relying upon Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendments Rules, 2016.

4. According to the learned Counsel appearing for the writ petitioner, the deceased Dhanasekaran was murdered due to communal clash and therefore the petitioner's son is entitled to get employment as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Amendments Rules, 2016. Though, the said representations were presented as early as in the year 2020 and 2022, the same has not been considered by the authorities. Hence, the present writ petition has been filed.

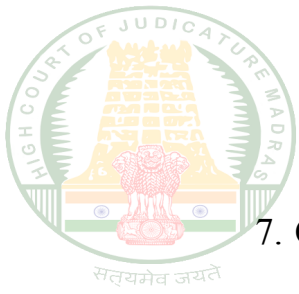


W.P.(MD).No.24160 of 2023

WEB COPY

5. The learned Additional Government Pleader appearing for the respondents relying upon Paragraph No.5 of the counter and had contended that for the compassionate appointment of the petitioner's son D.Gokulakrishnan, the petitioner was directed to submit proof as to the apparent cause of death of her husband. Since, there is no reply from the petitioner. Hence, the authorities are not in a position to pass any orders.

6. It is made clear that due to non submission of the records on the side of the petitioner, the respondents are not in a position to consider the request of the petitioner and pass orders. The learned Counsel appearing for the writ petitioner has also brought to the notice of this Court that the trial Court had awarded compensation by invoking Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Amendments Rules, 2016. Therefore, the learned Counsel appearing for the writ petitioner contends that it is the clear case of murder due to communal clash, and he prays for allowing the present writ petition.



W.P.(MD).No.24160 of 2023

7. Considering the above said facts, the petitioner is directed to place all the relevant records and the criminal court proceedings before the second respondent and the second respondent shall consider the same in the light of the observations made by this Court and pass orders in accordance with law within a period of twelve weeks from the date of receipt of records from the writ petitioner.

8. With the above said observations, this writ petition stands allowed. No costs.

21.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
gvn



W.P.(MD).No.24160 of 2023

R.VIJAYAKUMAR, J.

gvn

WEB COPY

To

1. The Secretary,
Government of TamilNadu,
AdiDravidar and Tribal Welfare Department,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Sivagangai District.
3. The District Adi-Dravidar and Tribal Welfare Officer,
District Collector Office,
Sivagangai District.
4. The Director,
National Commission for Schedule Castes,
And Scheduled Tribes,
Government of India,
2nd Floor, Block-5,
Shastri Bhavan,
Chennai-600 006.
5. The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.

W.P.(MD)No.24160 of 2023

21.01.2025