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W.A.(MD)NO.1180 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)Nos.1180 of 2022 & 2028 of 2025
and C.M.P.(MD)No.9180 of 2022

W.A.(MD)No.1180 of 2022

The Secretary,

Tamil Nadu Public Service Commission,

Chennai.

... Appellant / 3rd Respondent

Vs.

1. K.R.Gayathri Devi

... Respondent No.1 / Petitioner

2. The Revenue Divisional Officer,

Sivakasi,

Virudhunagar District.

... Respondent No.2 / Respondent No.1

3. The Commissioner of Land Administration,

Chepauk, Chennai – 600 005.

... Respondent No.3 / Respondent No.2

Prayer: Writ appeal filed under Clause 15 of Letters Patent, to set aside the order dated 18.11.2019 passed in W.P.(MD)No.22244 of 2015.

For Appellant : Mr.V.Paneerselvam

For Respondents : Mr.V.Vijayashankar,
for Mr.A.Srinivasan for R-1.
Mr.A.Kannan,
Additional Government Pleader
for R-2 & R-3.



WEB COPY W.A.(MD)No.2028 of 2025

K.R.Gayathri Devi

... Appellant / Petitioner

Vs.

1. The Assistant Collector,
Sivakasi,
Virudhunagar District.

2. The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

... Respondents/ Respondents

Prayer: Writ appeal filed under Clause 15 of Letters Patent, to set aside the order dated 20.06.2019 passed in W.P.(MD)No.10253 of 2015.

For Appellant : Mr.V.Vijayashankar

For Respondents : Mr.A.Kannan,
Additional Government Pleader
for R-1 & R-2.
Mr.V.Paneerselvam for R-3.

* * *

COMMON JUDGMENT

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

This W.A.(MD)No.1180 of 2022 is directed against the order dated 18.11.2019 passed by the learned single Judge allowing W.P.(MD)No.22244 of 2019 filed by K.R.Gayathri Devi.



2. W.A.(MD)No.2028 of 2025 has been filed by K.R.Gayathri Devi against the order dated 20.06.2019 passed by the learned single Judge dismissing W.P.(MD)No.10253 of 2015 filed by K.R.Gayathri Devi.

3. K.R.Gayathri Devi hailed from Sivakasi. She got married to one Muthukumar in the year 1999. Muthukumar died in an accident on 11.09.2001. When TNPSC issued recruitment notification inviting applications from eligible candidates for Group IV examination in the year 2012, K.R.Gayathri Devi was one of the applicants. She has sought preference under Destitute Widow category. K.R.Gayathri Devi was successful in the examination and selected and appointed as Junior Assistant in Land Administration Department on 18.02.2013. This was subject to the condition that she must produce the Destitute Widow Certificate from the competent authority.

4. Though Gayathri Devi applied for such certificate from the jurisdictional Tahsildar and the Tahsildar appears to have rejected her application, the rejection order was never served on Gayathri Devi. In these circumstances, she filed W.P.(MD)No.1678 of 2015 for



directing the Tahsildar to issue her Destitute Widow Certificate. Vide order dated 11.02.2015, the learned single Judge disposed of the writ petition with the direction to the Revenue Divisional Officer, Sivakasi to pass order on her application. Pursuant to the said direction, the Assistant Collector, Sivakasi vide proceedings dated 18.03.2015 rejected her petition on the ground that she had remarried one Thirupathi Raja.

5. Challenging the order of the Assistant Collector, Sivakasi rejecting her petition for issuing Destitute Widow Certificate, Gayathri Devi filed W.P.(MD)No.10253 of 2015. Interim stay was granted therein. Hence, Gayathri Devi continued to work as Junior Assistant. This writ petition was dismissed on 20.06.2019. Following the same, her appointment was also cancelled by TNPSC on 05.10.2019. Challenging the cancellation of her appointment, W.P. (MD)No.22244 of 2019 was filed by Gayathri Devi. As already mentioned, while W.P.(MD)No.22244 of 2019 was allowed, W.A. (MD)No.1180 of 2022 was filed by TNPSC.

6. We will take up the writ appeal filed by Gayathri Devi first.



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7. Admittedly, Gayathri Devi's husband Muthukumar died in an accident on 21.09.2001. She rightly claimed the status of widow. If according to the authorities, she had remarried and she was not having the status of widow, the burden lay only on the authorities. Gayathri Devi could not be asked to prove the negative. The explanation of Gayathri Devi was that taking advantage of her position, a person had developed illicit intimacy with her. The development of illicit intimacy cannot be equated to marriage. Gayathri Devi's further contention is that her parents were upset over this development and they had probably given testimony against her before the revenue authority. Admittedly, no testimony was given in the presence of Gayathri Devi. It is well settled that if the authorities were to rely on an adverse testimony, the same has to be taken in the presence of the individual concerned. We therefore, cannot rely on any testimony taken behind the back of Gayathri Devi. In any event, there is no material to show as to when and on what date, Gayathri Devi got married to Thirupathi Raja. A marriage can be said to have been solemnised only if it had taken place as per Hindu customary rites. It is not the case of the authorities that Gayathri Devi



underwent Seerthirutha Thirumanam. Even in the case of self-respect marriage, certain formalities have to be undergone. No photographs have been produced. Merely on the strength of the testimony that was taken behind the back of Gayathri Devi, we cannot come to the conclusion that her status of widow had ceased and she got remarried. The fact that a child was born through illicit intimacy cannot validate the allegation that she got remarried. One can beget children even outside marriage. These aspects were not taken note of by the learned single Judge. We set aside the order dated 18.03.2015 passed by the Assistant Collector, Sivakasi.

8. In this view of the matter, we therefore hold that Gayathri Devi is entitled to issuance of such certificate and we direct the Revenue Divisional Officer, Sivakasi to issue fresh certificate in this regard. Cancellation of Gayathri Devi's appointment rests on the proceedings dated 18.03.2015 issued by the Assistant Collector, Sivakasi. Since we have quashed the proceedings dated 18.03.2015 issued by the Assistant Collector, Sivakasi as a consequence, the order passed in W.P.(MD)No.10253 of 2015 has to go. In this view of the matter, we sustain the order dated 18.11.2019 passed in W.P.(MD)



No.22244 of 2019. W.A.(MD)No.1180 of 2022 is dismissed and W.A.
(MD)No.2028 of 2025 is allowed. No costs.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
30th January 2026

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

PMU

To:

1. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
2. The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
3. The Assistant Collector,
Sivakasi,
Virudhunagar District.
4. The Secretary,
Tamil Nadu Public Service Commission,
Chennai.



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W.A.(MD)NO.1180 OF 2022

G.R.SWAMINATHAN, J.

AND

R.KALAIMATHI, J.

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W.A.(MD)Nos.1180 of 2022 & 2028 of 2025

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