

W.P.(MD).No.22587 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22587 of 2022

Kalimuthu

... Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Theni District.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Theni District.
- 4.The Director,
National Commission for Schedule Castes
and Scheduled Tribes,
Government of India,
2nd Floor, Block – 5,
Shastri Bhawan,
Chennai – 600 006.



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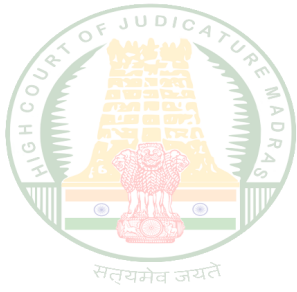
5.The Secretary,
State Human Rights Commission,
Tamil Nadu,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai – 600 028.

6.The Inspector of Police,
Jayamangalam Police Station,
Theni District.
(Crime No.2 of 2020).

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide employment to the petitioner's daughter namely Pavithra by considering her educational qualification as per Serial No. 46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, within a time frame fixed by this Court.

For Petitioner	: Mr.B.Arun
For RR 1 to 3	: Mr.N.Muthu Vijayan
For R – 4	: Mr.V.Malaiyendran



W.P.(MD).No.22587 of 2022

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ORDER

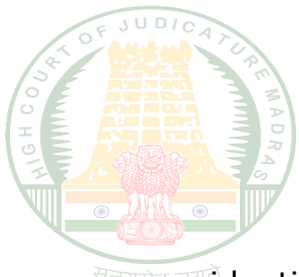
The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide employment to the petitioner's daughter namely Pavithra by considering her educational qualification as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, within a time frame fixed by this Court.

2.Heard Mr.B.Arun, learned counsel appearing for the petitioner, Mr.N.Muthu Vijayan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.V.Malaiyendran, learned counsel appearing for the fourth respondent.

3.Considering the nature of the case, notice to the respondents 5 and 6 is dispensed with.

4.The petitioner belongs to Scheduled Case Community and he is a senior citizen. His elder son namely Karthikeyan was murdered by the forward community people on 01.01.2020. The police

3/9



W.P.(MD).No.22587 of 2022

WEB COPY

identified the deceased person body and thereafter, arrested the accused. As a result of which, a criminal case has been registered by the sixth respondent as against the accused in Crime No.2 of 2020, dated 01.01.2020 for the offences under Sections 302 (two counts), 147, 148, 341, 294(b), 323, 324 and 506(2) of I.P.C and Section 3(i) (r), 3(1)(s), 3(2)(V) of the SC/ST Act. Subsequently, trial commenced in Special S.C.No.181 of 2020 on the file of the learned Principal District Sessions Judge, Theni and accordingly, the second respondent was directed to grant relief of compensation to the tune of Rs. 4,12,500/- to the petitioner as per the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016. However, the petitioner has got another son and daughter. Since the surviving son is a disabled person, the petitioner, for the purpose of seeking employment to his surviving daughter, made representations on 17.03.2022 and 13.06.2022 to the respondents. These representations were made by the petitioner on the basis of Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 in Annexure I of the Schedule of which in Clause 46(1), it is mandated as follows:-



W.P.(MD).No.22587 of 2022

WEB COPY

Sl.No. (1)	Name of the Offences (2)	Minimum amount of relief
46.	Additional relief to victims of murder, death, massacre, rape, 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) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase; (ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the Government; (iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.



W.P.(MD).No.22587 of 2022

WEB COPY

5. Since the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, is a Special Act and relevant Rules, when the Special Act mandates to provide basic pension along with employment to one of the family members of the deceased, this Court is of the considered view that the petitioner's claim is entitled to be allowed.

6. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that since already compensation has been paid to the petitioner, the question of providing employment to the surviving daughter will not arise.

7. Such an argument of the learned Special Government Pleader appearing for the respondents 1 to 3 is not sustainable in view of the fact that the petitioner is relying upon the provision of the Special Act.

8. In view of the same, this Court directs the respondents 2 and 3 to provide employment to the petitioner's daughter namely Pavithra by considering her educational qualification as per Serial

6/9



W.P.(MD).No.22587 of 2022

WEB COPY

No.46 of Annexure I r/w 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a period of twelve weeks from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition is allowed.

There shall be no order as to costs.

13.07.2023

NCC : Yes
Index : Yes
Internet : Yes
ps



W.P.(MD).No.22587 of 2022

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VERDICTUM.IN



W.P.(MD).No.22587 of 2022

L.VICTORIA GOWRI, J.

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W.P.(MD)No.22587 of 2022

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