

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15751 of 2015 and
M.P.No.1 of 2015

Jyothi

.. PETITIONER

Vs

1. The Vice Chancellor,
Indira Gandhi National Open
University,
Maidan Garhi,
New Delhi-110 068.
2. The Registrar (Administration),
Indira Gandhi National Open University,
Maidan Garhi,
New Delhi-110 068.
3. The Deputy Registrar,
Finance and Accounts Division (F&A),
Indira Gandhi National Open University,
Maidan Garhi,
New Delhi-110 068.
4. The Regional Director,
Indira Gandhi National Open University,
IGNOU Complex,
Kachana, P.S., Saddu,
Raipur (C.G.) 492014.
5. The Regional Director,
Indira Gandhi National Open University,
Sikkandar Chavadi,
Alanganallur Road,
Madurai-625 018.
6. M.Vijayakumar

.. RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India for the issue of Writ of Mandamus, directing the respondents 1 to 5 to take appropriate criminal and departmental disciplinary action against Mr.Vijayakumar, Assistant Registrar, IGNOU, Raipur, the 6th respondent herein, for making interpolation and tampering the official records and for the criminal act of bigamy based on

petitioner's complaint dated 23.04.2015 and to withhold issuance of NOC or acceptance of his resignation or retirement from service voluntarily.

For petitioner : Mr.G.Ashokpathy
for M/s. Pass Associates
For respondents : ...

O R D E R

The petitioner has filed this Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action against the 6th respondent/her husband based on her representation dated 23.05.2015.

2. The petitioner got married to the 6th respondent on 24.10.1999. They blessed with a male and a female child. However, the marriage life is not successful. The 6th respondent filed O.P.No.335 of 2014 on the file of the Family Court, Pondicherry seeking divorce. The 6th respondent is working in Indira Gandhi National Open University. Now the petitioner made a complaint dated 23.04.2015 alleging that the 6th respondent had married one Jayanthi and hence, the said marriage is a bigamous marriage. Therefore, the petitioner has sought to take both criminal and departmental action based on the aforesaid complaint.

3. Considering the above facts, I am not inclined to issue a direction as sought for by the petitioner. It is clearly a matrimonial dispute. Now the divorce proceedings is pending before the concerned court. If the petitioner is aggrieved by the conduct of her husband in getting married, while the marriage with her is subsisting, she can very well initiate proceedings in a criminal court in the manner known to law. The department cannot initiate criminal action for bigamous marriage. Even in the case of request to take departmental action, I am of the view that in the family matters, the department shall be very slow in taking departmental action. It is for the department to decide based on the facts of the each case. I am not inclined to issue direction to the department to take disciplinary action in the purely matrimonial dispute, by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. I find no merit in the Writ Petition.

4. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Vice Chancellor,
Indira Gandhi National Open University,
Maidan Garhi,
New Delhi-110 068.
2. The Registrar (Administration),
Indira Gandhi National Open University,
Maidan Garhi, New Delhi-110 068.
3. The Deputy Registrar,
Finance and Accounts Division (F&A),
Indira Gandhi National Open University,
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W.P.No.15751 of 2015

MP (CO)
Eu 22.06.15



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