



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22921 of 2015

C.Sureshkumar

... Petitioner

Vs.

1.The Commissioner,

Hindu Religious and Charitable Endowment Board,
Chennai 34.

2.The Joint Commissioner/Executive Officer,

Arulmighu Dhandayuthapanisamy Thirukoil,
Palani 624 601.

3.The Principal,

Arulmighu Palaniandavar Polytechnic College,
Palani, Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to appoint a committee in order to conduct fair enquiry in connection with various irregularities committed in the third respondent college by considering the petitioner's representation dated 05.08.2015.

For Petitioner

: Mr.R.Rajaraman

For Respondents 1&2

: Mr.V.R.Shanmuganathan,
Special Government Pleader.

For 3rd Respondent

: Mr.K.Govindarajan

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner has come up with the above writ petition purportedly in public interest, seeking the issue of writ of mandamus to direct the first respondent to appoint a committee to conduct an enquiry into various irregularities committed in the third respondent college.

2.Heard Mr.R.Rajaraman, learned counsel for the petitioner.

3.For two reasons, we cannot entertain this public interest litigation. The first is that all the allegations made in the affidavit relate to appointment of teaching and non teaching staff in the third respondent college.



4. In other words, it is a service matter which cannot be taken up as a public interest litigation. The public interest litigation is filed after obtaining information under the Right to Information Act through an Advocate by name, C.Palaniprabhu. Therefore, we think that it is a proxy litigation. If the petitioner really wants to challenge the appointment or continuance of any specific individual in the college, he must come up with a proper writ petition challenging the appointment of that individual or his continuance by impleading him as a party but not by seeking an enquiry behind his back. Therefore, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai 34.

2. The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthapanisamy Thirukoil,
Palani 624 601.

3. The Principal,
Arulmighu Palaniandavar Polytechnic College,
Palani, Dindigul District.

+One cc to The Special Government Pleader, SR.No.75876

+One cc to Mr.R.Rajaraman, Advocate, SR.No.72644

sms

RL/6C/SKS/RR/7/1/2016

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