

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.14411 OF 2016

Hafiz B Uthuman

.. Petitioner

Versus

- 1.State of Tamil Nadu
Rep. By its Secretary
Education Department
Fort St. George,
Chennai - 600 009.
 - 2.The Accountant General
Office of the Accountant General
Government of Tamil Nadu
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.
 - 3.The Director of Collegiate Education
Office of the Directorate of Collegiate Education
College Road,
Nungambakkam,
Chennai - 600 006.
 - 4.The Regional Jt. Director
Department of Collegiate Education
Raja Sarfoji College Campus
Thanjavur.
 - 5.A.Jalal
Principal
Khader Mohideen College
Adhirampattinam P.O.,
Pattukottai Taluk, Thanjavur District.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 08.03.2016 and take appropriate action against the fifth respondent in accordance with law.

For Petitioner : Mr.T.Velumani

For Respondents: Mr.S.Gunasekaran
1, 3 and 4 Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice on behalf of the respondents 1, 3 and 4.

2.The petitioner, Mr.Hafiz B Uthuman, claiming to be the erstwhile Trustee of M.K.N. Madarasa Trust, which is running an Educational Institution, has come to this Court, seeking for a direction to the second respondent, to consider his representation dated 08.03.2016, and to take appropriate action against the fifth respondent, in accordance with law.

3.The learned counsel for the petitioner would submit that one of the girl students, namely, Ms.Sulochana, who studied in the fifth respondent college, has committed suicide on 26.01.2016, for which, her father, by name Mr.B.Shankar, has made a complaint to the Adhirampattinam Police Station alleging that due to the ill-treatment meted out by the NCC Class Officer and the fifth respondent herein, her daughter has committed suicide. In this regard, FIR has been registered for offence under Section 306 IPC in Crime No.21 of 2016 on 26.01.2016, on the file of the Adhirampattinam Police Station. Now, the matter is pending for investigation. Further, it is submitted that the fifth respondent is going to retire from service in the month of May 2016.

4.Therefore, the grievance of the petitioner is that if the fifth respondent is permitted to retire from service, during the pendency of the criminal case, this would cause more prejudice to the complainant and in this regard, he has given a representation dated 08.03.2016 to the second respondent. Since no order has been passed till date on the said representation, he has come to this Court by filing the present writ petition.

5.Peculiar claim of the petitioner is that recently, a girl student, namely Ms.Sulochana, studying I Year B.A., has committed suicide due to an ill-treatment exerted by a senior student Ms.Rajakala and by the NCC Officer Mr.Ganabathy, that too in collusion with the Principal of that college. While so, when a complaint had already been given by the father of the student, a FIR also has been registered. It is also not known whether any charge sheet has been filed on the said complaint. These issues have to be looked into by a competent authority, certainly not this Court sitting under Article 226 of the Constitution of India.

6.Thus, for the reasons stated above, this Court is not able to find any merit or whatsoever on the locus standi of the petitioner to move this writ petition, because, he claims to be the erstwhile Trustee of the above said Trust. Moreover, as stated above, when a criminal complaint has already been filed and the same is pending, it is for the competent authority to consider the same. Therefore, the petitioner, who is the third party, has no locus standi to make any representation or whatsoever. Hence, this Court is not inclined to entertain the writ petition and accordingly, the same stands dismissed. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

TK

To

- 1.The Secretary to Government
Government of Tamil Nadu
Education Department
Fort St.George, Chennai - 600 009.
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Thanjavur.

1 cc to Government Pleader, Sr. 24570

PVS (CO)

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