



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM

CRL MP(MD) No.7669 of 2016
IN
CRL OP(MD) No.11638 of 2016

G.RETHINAKUMAR

... PETITIONER/PROPOSED 3rd PARTY

Vs

1 R. SUNDARAVATHANAM
2 A. SADHASIVAM
3 S. RAMANATHAN ... RESPONDENTS/PETITIONERS/ACCUSED
4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT,
... 1st RESPONDENT/COMPLAINANT

5 M. KESAVAN
DISTRICT EDUCATIONAL OFFICER, O/O. DISTRICT
EDUCATION OFFICE, THANJAVUR - 613 001.
...2nd RESPONDENT/DEFACTO COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to impleading the petitioner/proposed 3rd respondent namely G.Rethinakumar, son M.Govindaraj as the 3rd respondent in this Crl.O.P.NO.11638 /2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.K.MANI, Advocate for the petitioner the court made the following order:-

This petition is filed to implead the petitioner as 3rd respondent in the main Criminal Original Petition.

2.The case of the petitioner is that he joined as a Director of Physical Education of Tamilavel Uma Maheswaranar Karanthai Arts College, Thanjavur, in the year 1983 and retired from service on attaining the age of superannuation. The Uma Maheswarar Higher Secondary School, Karanthi, Thanjavur, is being administered by the School Committee. Three teachers, namely T.Sumathi, G.Subathra and Vijayapriya, who have not been working in the school from 01.06.2006, by misusing the order of this court passed in W.P.(MD) No.8896 of 2008 and by creating false documents, cheated the Government by receiving Rs.70,00,000/- towards salary, as if they have been working as teacher in the school from 01.06.2006. It is the further case of the petitioner that he is having necessary



documentary evidence to establish the said fact that the accused have committed the offence and in order to enlighten the fact, he has to be impleaded as a party in this case.

3.The respondents 1 to 3 filed a counter stating that the petitioner has no locus standi to implead himself in the original petition and the amount was disbursed, as per the order passed in the writ petition, which was also confirmed by the Division Bench of this court. It is further submitted that the petitioner is a retired Physical Education Director and he is in the habit of making false complaints against the management.

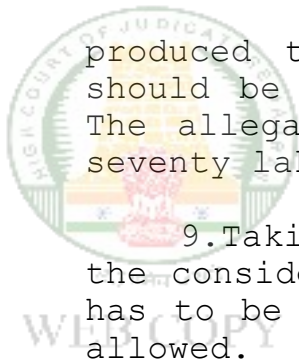
4.Mr.S.K.Mani, learned counsel appearing for the petitioner would submit that in the case of T.Sumathi, she had been working as a Teacher in Sri Venkateswara Metric Hr.Sec. School, Thanjavur, till she resigned from the post on 10.05.2009. In the case of the teacher Vijayapriya, who is said to have been working the school from 01.06.2006, has given birth to three children on 10.12.2006, 22.02.2010 and 23.12.2013 and there has not been ante-natal or post-natal maternity leave availed by her and she received salary as if she was continuously working without availing leave, which shows that the accused have swindled the money by forging the documents.

5.It is further submitted that the petitioner has received the information from Sri Venkateswara Matriculation School, Thanjavur under Right to Information Act and the petitioner has also got a letter of resignation of the said Vijayapriya, so in the interest of justice, the petitioner may be impleaded as 3rd respondent.

6.Per contra, Mr.D.Selvanayagan, learned counsel appearing for the respondents 1 to 3 has vehemently contended that the first respondent is the Vice President, 2nd respondent is the Assistant Headmaster and the 3rd respondent is the Secretary of the said school and the school has a reputation and the petitioner, who is a retired teacher of the school, has been making unnecessary allegations against the management. It is further submitted that the 3 teachers against whom the allegations have been made, are working since 01.06.2006 and the amount has been disturbed directly to their account, pursuant to the order passed in W.P.No.8896 of 2008, dated 22.12.2008. The impleading petitioner filed a similar application in W.P.No.11820 of 2014, however, this court dismissed the application. Since, the petitioner has no locus standi, the application is to be dismissed.

7.It is settled law that any one can set the law in motion. If the allegations make cognizance offence, the police is obliged to register a case and investigate the same in accordance with law.

8.The specific case of the petitioner is that he is having documentary evidence to establish the case against the accused. The petitioner has produced a typed set, containing the information received from Sri Venkateswara Metric Higher Secondary School, Thanjavur, to show that one of the teachers, referred to supra namely T.Sumathi, resigned from the school on 10.05.2008 and also



produced the copy of the resignation letter. Further, the court should be liberal in considering the application for impleadment. The allegation is that the accused have swindled public money of seventy lakhs.

9. Taking into consideration the above facts, this court is of the considered view that in the interest of justice, the petitioner has to be impleaded in this case. In the result, the petition is allowed.

sd/-
03/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.K.MANI Advocate SR.No.65880

sm:KM:SAR 1:17/11/2016:3P/4C

ORDER
IN
CRL MP (MD) No.7669 of 2016
IN
CRL OP (MD) No.11638 of 2016
Date :03/11/2016