

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.33039 of 2017
and
W.M.P.No.36415 of 2017

P.Jayaseeli

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by the Secretary to Government,
Department of Education,
Chennai-600 009.
- 2.The Director of School Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai-6.
- 3.The District Elementary Educational Officer,
District Collector Building,
Nagapattinam-611 001.
- 4.The Assistant Elementary Educational Officer,
High School Road,
Kuthalam Post,
- 5.The Head Master,
Govt. Panchayat Union Middle School,
Kadalangudi,
Mailaduthurai Taluk,
Nagapattinam District.
- 6.The Revenue Divisional Officer,
Mailaduthurai,
Nagapattinam District.
- 7.T.Ponnusamy,
Teacher,
Govt. Panchayat Union Middle School,
Retty Kadalangudi-609 806,
Mailaduthurai Taluk,

Nagapattinam District.

8.Ms.Sumathi, F/age 40 years,
Chinnasengunthar Street,
Kuthalam Post,
Mailaduthurai Taluk,
Nagapattinam District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to record the name of the petitioner viz., P.Jayaseeli as the 1st wife in the service register of her husband being the 7th respondent herein and to pay 50% of the retirement settlement amount of the 7th respondent herein to the petitioner.

For Petitioner : Mr.S.Arunkumar
For Respondents : Mr.V.jayaprakash Narayanan,
Spl GP(For R1)

ORDER

This writ petition has been filed by the petitioner praying to direct the respondents 1 to 5 to record the name of the petitioner viz., P.Jayaseeli as the 1st wife in the service register of her husband being the 7th respondent herein and to pay 50% of the retirement settlement amount of the 7th respondent herein to the petitioner.

2.The prayer made by the petitioner in the present writ petition cannot be entertained by this Court for two reasons. Firstly, the petitioner has already filed a civil suit in O.S.No.119 of 2014 on the file of the V Additional Family Court, Chennai. Moreover, the petitioner has also filed M.C.No.281 of 2000 on the file of the Family Court seeking an order for payment of maintenance. When her civil suit seeking declaration with regard to her marital status is pending for consideration, without obtaining any order in her favour, she cannot come to this Court with the writ petition seeking the above said prayer. Secondly, when the question whether she is the wife of the 7th respondent or not, has not even been answered by the Civil Court, the writ petition filed under Article 227 of the Constitution of India cannot be entertained. It is for the petitioner to workout her remedy before the Civil Court in the pending suit.

For the foregoing reasons, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Secretary to Government,
Education Department,
Chennai-9
2. The Director of School Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai-6.
3. The District Elementary Educational Officer,
District Collector Building,
Nagapattinam-611 001.
4. The Assistant Elementary Educational Officer,
High School Road,
Kuthalam Post,
5. The Revenue Divisional Officer,
Mailaduthurai,
Nagapattinam District.

+1cc to the Government Pleader, S.R.No.9111

W.P.No.33039 of 2017
and
W.M.P.No.36415 of 2017

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