



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

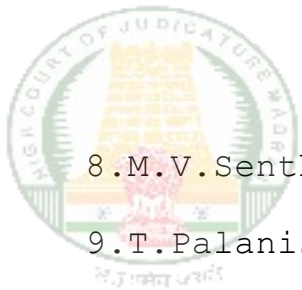
**W.P. (MD) No.939 of 2018
and
W.M.P. (MD) No.985 of 2018**

V.Vijayalakshmi

... Petitioner

Vs

1. The State of Tamil Nadu
Represented by its Secretary
School Education Department,
Secretariat,
Chennai- 600 009.
2. The Director of Elementary Education,
O/o.the Director of Elementary Education,
D.P.I.Complex,
Chennai-600 006.
3. The Joint Director of Elementary Education (Aided Schools),
O/o. The Joint Director of Elementary Education,
DPI Campus,
College Road,
Chennai-600 006.
4. The District Collector,
Karur District,
Karur-639 007.
5. The Chief Educational Officer,
O/o. The Chief Educational Office,
Collectorate Campus,
Karur-639 007.
6. The District Elementary Educational Officer,
O/o.the District Elementary Educational Office,
Collectorate Campus,
Karur-7,Karur District.
7. The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Office,
Asasath Road, Municipal Building,
Karur-1, Karur District.



8.M.V.Senthil Kumar

9.T.Palanisamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate criminal as well as disciplinary action against the erring officials for misappropriation of the salary of the petitioner to be paid for the period between 01.08.2015 and 30.11.2016 and by considering the petitioner's representation dated 19.10.2017.

For petitioner : Mr.C.Venkatesh Kumar
For R-1 to R7 : Mr.Jayaraman
Additional Government Pleader

O R D E R

By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2.Heard Mr. C.Venkatesh Kumar, learned Counsel appearing for the petitioner, Mr.Jayaraman, Additional Government Pleader appearing for the respondents Nos. 1 to 7.

3.The writ petitioner was suspended by order dated 04.08.2015 passed by the fifth respondent. The writ petitioner came to be reinstated only on 11.08.2017, after she filed W.P.(MD) No.4807 of 2016 and Cont.P.(MD)No.1098 of 2017.

4. The specific complaint of the writ petitioner is that for a period of suspension, that is, from 04.08.2015 to 10.08.2017, even though her salary has been disbursed by the Government, it was not credited to her account and that the same was misappropriated. The writ petitioner, therefore lodged a representation in this regard, for taking appropriate action against the persons who allegedly misappropriated the salary payable to her. Since no action was taken, the present writ petition has been filed for directing the respondents 1 and 2 to take appropriate criminal and disciplinary action against the erring officials.

5.This Court is of the view that the decision to take disciplinary action against the officials concerned, lies entirely with the employer and it is not for the writ petitioner to ask for issuance of Writ of Mandamus in this regard. The writ petitioner has no *locus standi* in the matter.

<https://hcservices.ecourts.gov.in/hcservices/>

6. If the writ petitioner feels that the salary payable to her was misappropriated nothing stopped her from initiating



appropriate criminal action against the persons, who had swallowed her salary. For this purpose, a Writ of Mandamus need not be filed. There is no merit in this writ petition.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The Secretary
The State of Tamil Nadu
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7. The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Office,
Aasath Road,
Main Building,
Karur-1,
Karur District.



+1cc to M/s. Ajmal Associates, Sr.No.42814
+1cc to The Spl.Government Pleader Sr.No.42664

PNN/KMI

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VB/MR/SAR1/16.02.2018/4P/10C

ORDER MADE IN
W.P. (MD) No.939 of 2018
and
W.M.P. (MD) No.985 of 2018
17.01.2018