



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Writ Appeal (MD)No.1568 of 2011

R.Appunatesan
Former MLA & President,
Coastal Environment and Ecological
Conservation Committee
Keeraikaranthatu,
Theesayanvilai 626 657
Tirunelveli District.

... Appellant

Vs.

- 1.The Chief Secretary,
State of Tamil Nadu,
St., George Fort,
Chennai-9.
- 2.The Secretary,
State of Tamil Nadu,
Home Department,
St., George Fort,
Chennai 9.
- 3.The Secretary,
State of Tamil Nadu,
Public Department,
St., George Fort,
Chennai 9.
- 4.Minorities Human Rights Council,
Rep by its President,
A.Meeran Maideen,
223/349, Abraham Street,
Puthukudyerruppu,
Nagercoil 1.
- 5.Jothi Nirmala

... Respondents



Prayer in WP(MD) . 13151/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, by calling for records relating to award of Kalpana Chawla to the Fifth Respondent during the year 2008 based on the Minutes of Meeting of the Selection Committee held on 29-07-2008 quash the same and direct the 3rd Respondent to recall the award.

For Appellant : Mr.AL.Somayajee,
Senior Counsel
for Mr.V.Perumal
For Respondents 1-3 : Mrs.J.Padmavathi Devi,
Special Government Pleader.
For 4th Respondent : No appearance

JUDGMENT

PUSHPA SATHYANARAYANA, J

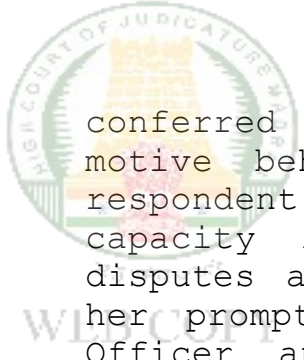
This appeal is directed against the order passed in W.P (MD)No.13151 of 2011, dated 30.11.2011.

2.The writ petitioner who is the appellant had prayed for writ of certiorarified mandamus calling for the minutes of the meeting of the selection committee held on 29.07.2008 and to quash the same.

3.The said minutes related to the conferment of Kalpana Chawla Award on the fifth respondent who belongs to the Indian Administrative Service. The award itself was conferred on 15.08.2008 whereas the challenge to the same was made only in the year 2011. As the prayer was for recalling the award, the writ petition was entertained. The appellant had challenged the procedure involved in selecting a person entitled for the said award.

4.The learned single Judge had gone in detail to every aspect of the objections raised by the writ petitioner/appellant and dismissed the writ petition.

5.First of all, the appellant had moved the Court only in the year 2011 for the award that was conferred in the year 2008 and therefore, the writ petitioner is guilty of delay and laches. Secondly, the award is intended to be conferred only on women. The petitioner can never be an aspirant and cannot be aggrieved. Thirdly, the writ petition was filed not in public interest but only in his personal interest. Therefore, the appellant has to establish his locus standi to maintain the writ petition. The appellant has not even made out a case for challenging the award



conferred on the fifth respondent much less can maintain his motive behind the filing the said writ petition. The fifth respondent had been conferred the award for her administrative capacity in dealing with sensitive issues like, reconciling disputes among the fishermen and avoiding communal clash due to her prompt action when she was serving as Revenue Divisional Officer and also the District Collector. When there is no particular reason why the fifth respondent should be stripped of the award conferred on her, the writ appeal deserves to be dismissed. The learned single Judge had also observed that the fifth respondent while serving as a revenue official in the State of Tamil Nadu had incurred and invited wrath of many persons in illegal sand mining operations. It is also relevant to state that some of the officials were victims of direct attack and some of them of indirect attack. It is also not known whether the appellant had suffered any loss due to the official action taken by the fifth respondent. Nevertheless when there is no locus to maintain such petition to recall the award, the writ petition has rightly been dismissed which does not warrant any interference by this Court.

6. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Chief Secretary,
State of Tamil Nadu,
St., George Fort, Chennai-9.
2. The Secretary,
State of Tamil Nadu,
Home Department, St., George Fort, Chennai 9.
3. The Secretary,
State of Tamil Nadu,
Public Department,
St., George Fort, Chennai 9.

+1cc to Special Government Pleader Sr.No.92956.

+1cc to Mr.V.Perumal, Advocate, Sr.No.92840.

Judgment made in
Writ Appeal (MD) No.1568 of 2011