



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.7037 of 2011andM.P(MD)No.1 of 2011

The Tamil Nadu Private School Teachers

Employees Association (60/81),

Rep. By its General Secretary,

K.Thirumavalavan, aged about 76 years,

S/o.Kadarsha Raothar,

4-E, Rahmaniapuram,

Thilainagar,

Thiruchirappalli-620 018.

... Petitioner

Vs

1.The Director of School Education,
Chennai-600 006.2.The Chief Educational Officer,
Thiruchirappalli-620 008.3.The Correspondent,
Christian Endeavour Higher Secondary School,
Vannarapettai, Puthur, Trichy-621 017.4.A.Nirmala Christie,
Head Mistress,
Christian Endeavour Higher Secondary School,
Vannarapettai, Puthur, Trichy-621 017. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Proceedings Na.Ka.No.10660/A4/2010, dated 26.05.2011 passed by the 2nd Respondent and quash the same and further to direct the second respondent to enquire into the misconduct of the 4th respondent and take action as per law as directed by the 1st respondent on my representation dated 24.01.2011 within a stipulated period.

For Petitioner :Mr.D.Gnanasekaran

For R1 & R2 :Mr.M.Muthu,
Additional Government PleaderFor R4 : Mr.T.Cibichakraborty
for Mr.Isaac Chamber

For R3 : No appearance

ORDER

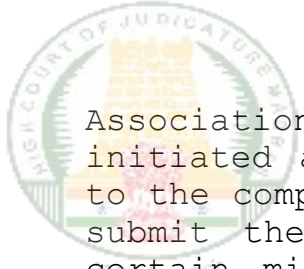
The relief sought for in this writ petition is to call for the records in respect of the proceedings issued by the second respondent, in Na.Ka.No.10660/A4/2010, dated 26.05.2011 and quash the same and direct the second respondent to enquire into the misconduct of the fourth respondent and take action as per law as directed by the first respondent on the representation, dated 24.01.2011.

2.It is a classic case where the Teachers Employees Association is utilized for the purpose of settling the score against certain individual teachers. The very relief sought for in this writ petition is to initiate action against the fourth respondent, who is holding the post of Headmaster in the Higher Secondary School. This Court is not justifying the misconduct or otherwise if any committed by the fourth respondent. The teachers committing misconduct or submitting bogus certificate are to be punished in accordance with law. However, the manner in which the writ petition has been filed by the Association is not in accordance with the established principles of law.

3.The petitioner is the Tamil Nadu Private School Teachers, Employees Association. The affidavit was filed by one Mr.K.Thirumavalavan, S/o.Kaddarsha Raothar, aged 76 years. It is a great surprise that the General Secretary of the writ petitioner's Association is a retired teacher and retired long back. On what basis such a retired teacher in his capacity as a General Secretary of the Association is filing the case in respect of the employees in service. This cannot be treated as Public Interest Litigation in view of the fact that the specific relief is sought for in this writ petition to initiate action against fourth respondent. The petition has not filed in the interest of public. The writ petition is filed in order to initiate action against fourth respondent.

4.Undoubtedly, if any complaint is received from any Association or from the individual, the competent authorities are bound to examine the same and investigate, if there is any substance. Thus, the competent authorities have to enquire into the allegation in respect of the complaint made by the writ petitioner Association. However, in respect of maintainability of the writ petition, this Court has to ascertain whether such writ petition can be entertained or not. The petitioner being an Association cannot take any action in respect of certain individual grievances. The individual grievances are to be redressed only by filing the writ petitions by the aggrieved persons. In the present case, Association cannot be construed as an aggrieved person. Since the allegations are relating to submission of bogus certificate by the fourth respondent.

5. Thus, it is for the authorities to consider the complaint, if any, preferred by any person in this regard. However, the writ petition cannot be entertained in view of the fact that the



Association has filed the same in respect of certain actions to be initiated against the fourth respondent. Submitting the complaint to the competent authority cannot be questioned. The Association can submit the complaint to the competent authorities in respect of certain misconduct or otherwise committed by the public servant. However, while entertaining the writ petition, this Court has to ascertain the locus-standi of such persons. The service matters or the writ petitions relating to the services cannot be entertained, if the same is filed by an Association. All the service related writ petitions has to be preferred only by the aggrieved employees and under these circumstances, the writ petition filed seeking a direction cannot be granted. Further, it is made clear that there is no bar for the competent authorities to enquire into the allegations set out in the complaint submitted by the writ petitioner and initiate appropriate action under Rules.

6. With these clarification, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
Chennai-600 006.

2. The Chief Educational Officer,
Thiruchirappalli-620 008.

+1CC to Mr. Xavier Rajini, Advocate, SR.No. 53873

+1CC to the Special Government Pleader SR.No. 53936

W.P (MD) No. 7037 of 2011

06.03.2018

am

AM/KKR/SAR 1/23.03.2018/3P/5C