

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.04.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2986 of 2019

Mumthaj

.. Petitioner

..vs..

- 1.The Director,
Department of School Education,
D.P.I.Complex, College Road,
Chennai - 600 034.
- 2.The Inspector,
Department of School Education,
D.P.I.Complex, College Road,
Chennai - 600 034.
- 3.The District Educational Officer,
Office of the District Educational Officer,
Vasanthapuram, Kosapet,
Vellore District - 632 001.
- 4.The Head Master,
Government Higher Secondary School,
Vadacheri, Gudiyatham Road,
Vaniyampadi Taluk,
Vellore District - 635 754.
- 5.Sarvanan .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing 1st to 4th respondents to conduct the enquiry against the 5th respondent on the basis of the petitioner representation dated 18.12.2018 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Mohamed Ansar
For Respondents : Mr.A.Raja Perumal
Additional Government Pleader for R1 to R4

Mr.L.Chandrakumar for R5

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st to 4th respondents to conduct the enquiry against the 5th respondent on the basis of the petitioner representation dated 18.12.2018.

2.The grievances of the writ petitioner is that the 5th respondent has committed certain irregularities and he was holding the post of Teacher in Government Higher Secondary School. Thus, the writ petition is filed to initiate actions against the 5th respondent.

3.The learned counsel for the 5th respondent states that with reference to same allegations made in the representation submitted by the writ petitioner in a Civil Suit in O.S.No.10 of 2019 is filed and the civil suit is pending before the Principal District Judge, Vellore. Under these circumstances, the present relief cannot be granted.

4.This Court is of the Considered opinion that when certain civil disputes are raised between the parties and O.S.No.10 of 2019 is already pending before the Competent Civil Court of law, no writ can be entertained for the purpose of adjudicating issues raised in the civil suit. This being the factum, the writ petitioner is at liberty to adjudicate all the issues before the Civil Court by producing documents and by adducing evidences in the manner prescribed.

5.Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

WEB COPY

Sub Assistant Registrar

Pns

To

1.The Director,
Department of School Education,
D.P.I.Complex, College Road,
Chennai - 600 034.

2.The Inspector,
Department of School Education,
D.P.I.Complex, College Road,
Chennai - 600 034.

3.The District Educational Officer,
Office of the District Educational Officer,
Vasanthapuram, Kosapet,
Vellore District - 632 001.

4.The Head Master,
Government Higher Secondary School,
Vadacheri, Gudiyatham Road,
Vaniyampadi Taluk,
Vellore District - 635 754.

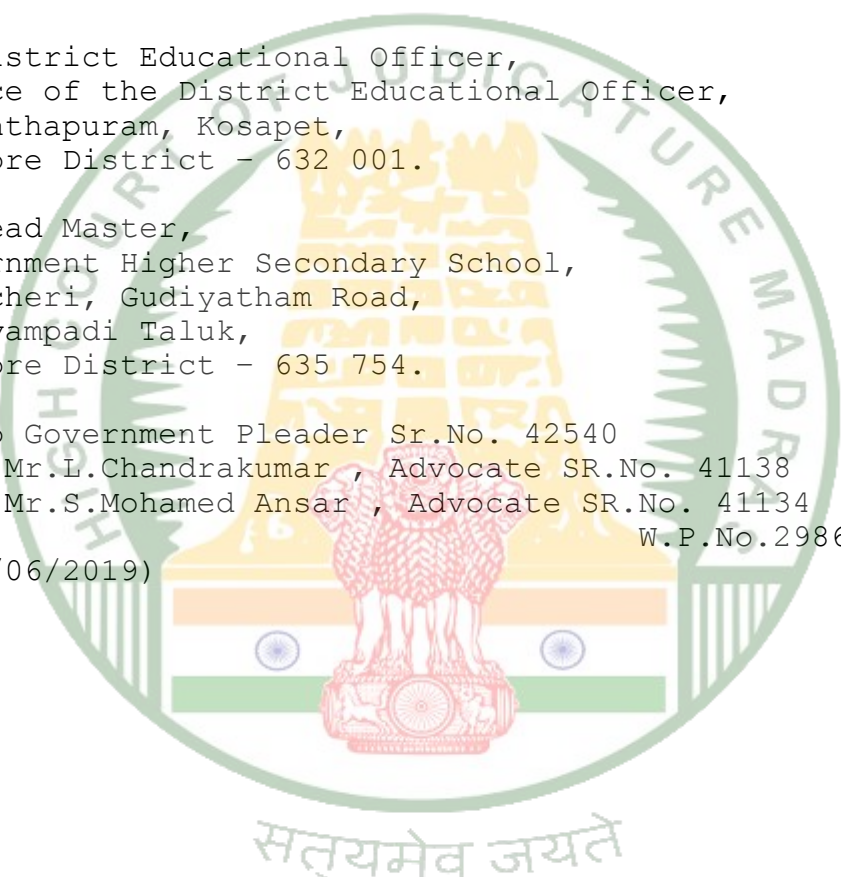
+1 cc to Government Pleader Sr.No. 42540

+1cc to Mr.L.Chandrakumar , Advocate SR.No. 41138

+1cc to Mr.S.Mohamed Ansar , Advocate SR.No. 41134

W.P.No.2986 of 2019

A.SK(24/06/2019)



WEB COPY