

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28006 of 2019

and W.M.P.No.27618 of 2019

N.Gunasekaran

..Petitioner

vs

1.The Government of Tamil Nadu
Rep. by its Secretary to the Government
School Education Department
Fort St. George, Chennai-600 009.

2.The Director of School Education
DPI Campus, College Road
Chennai-600 006.

3.Thiruvallarselvi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to act upon the representation of the petitioner dated 16.05.2018 and consequently conduct a departmental enquiry against the 3rd respondent in accordance with law in furtherance of her implication in Crime No.5 of 2017 pending on the file of the Inspector of Police, Vigilance and Anti-Corruption, Thanjavur.

For Petitioner : Mr.T.Gowthaman

For R1 and R2 : Ms.P.Kavitha

Government Advocate

For R3

: Mr.S.Sivakumar

O R D E R

Writ petition is filed for issuance of a Writ of Mandamus directing the 2nd respondent to act upon the representation of the petitioner dated 16.05.2018 and consequently conduct a departmental enquiry against the 3rd respondent in accordance with law in furtherance of her implication in Crime No.5 of 2017 pending on the file of the Inspector of Police, Vigilance and

Anti-Corruption, Thanjavur.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel appearing for the 3rd respondent.

3. The case of the petitioner is that the petitioner had been serving as the Headmaster of the Government High School, Orathanadu, Thanjavur District from 2015. For the academic year 2015-2016, the Central Government of India allotted funds towards the RMSA (Rashtriya Madyamik Shiksha Abhiyan) Scheme. There was a mal practice in the scheme, for which the petitioner has given a complaint against the 3rd respondent to the Vigilance and Anti-Corruption Department on 20.05.2015 and the same has been registered in Crime No.5 of 2017 on 21.04.2017 for the offences under Sections 120B, 420 read with 109 IPC and Section 13(1)(d) read with 13(2) of the Prevention of Corruption Act. Since no departmental enquiry has been initiated against the 3rd respondent, the petitioner has made a representation dated 16.05.2018 to the 2nd respondent for commencement of departmental enquiry against the 3rd respondent. However, till date, the petitioner's representation has not been considered. Hence, this writ petition.

4. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the 2nd respondent to consider the representation of the petitioner dated 16.05.2018 and pass appropriate orders within the reasonable time.

5. Learned counsel appearing for the 3rd respondent submitted that the petitioner has also committed irregularity. On earlier occasion, the petitioner has filed a petition under Section 482 of Cr.P.C. for registering the complaint against the 3rd respondent and the said petition was dismissed. With the very same relief, the petitioner has come out with the present writ petition. Therefore, he prayed for dismissal of the writ petition.

6. Learned Government Advocate appearing for the respondents 1 and 2 submitted that a case has been registered against the 3rd respondent and enquiry would be completed within twelve weeks.

7. In view of the above submissions made by the learned Government Advocate appearing for the respondents 1 and 2, this Court hereby directs the 2nd respondent to complete the departmental enquiry against the 3rd respondent after receiving enquiry report from the Vigilance and Anti-Corruption

Department, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

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Rep. by its Secretary to the Government
School Education Department
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2.The Director of School Education
DPI Campus, College Road
Chennai-600 006.

3.Inspector of Police
Vigilance and Anti-Corruption
Thanjavur.

+1 cc to M/s.T.Gowthaman Advocate sr83054
+1 cc to M/s.Government Pleader sr 82794
+1 cc to Mr.S.Sivakumar Advocate sr82599

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