

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.33562 of 2018
and WMP No.38949 of 2018

M.Thiyagarajan ... Petitioner

vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Chief Education Officer,
Chengalpattu,
Kanchipuram District.

3. The Revenue Divisional Officer,
Madhuranthagam,
Kanchipuram District.

4. The Correspondent,
R.C.Middle School,
Pooncheri Village,
Veerapogam Post,
Cheyyur Taluk,
Kanchipuram District.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the 1st respondent to constitute a district level committee of officials known for their integrity and having commitment to cause of students welfare inspect all government and government aided school to inspection the toilet facility and its appointment of sanitary worker to cleaning of school environment by considering the petitioner representation dated 16.10.2018.

For Petitioner : Mr.A.Venkatesan

For Respondents: Mr.Akhil Akbarali (for R1 & R3)
Government Advocate
Mr.K.Karthikeyan (for R2)
Govt. Advocate (Education)
Mr.S.Sriram (for R4)

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

The instant writ petition purportedly filed in public interest is for the following relief

"to direct the 1st respondent to constitute a district level committee of officials known for their integrity and having commitment to cause of students welfare, inspect all government and government aided school, to inspect the toilet facility, and its appointment of sanitary worker, for cleaning of school environment by considering the petitioner representation dated 16.10.2018."

2. The petitioner in this writ petition has averred that he came to know that the 4th respondent school is forcing the students of the school, to clean toilets. He states that since it came to his knowledge, he and his fellow social worker met the school Correspondent and sought them to prohibit the same. He states that despite his plea, the school management is continuing this illegal practice of getting the toilets cleaned by the students. He would also state that his wife Parvathi has been working as a Science teacher, for the past 10 years on consolidated wages and that since he lodged a representation with the State authorities, for taking appropriate legal action against the school, the school terminated the services of his wife. He would state that action may be taken against the school authorities. He would also state that it is necessary for the State Government to constitute a District Level Committee of officials, known for integrity, who could inspect the Government and Government-aided schools and appoint sanitary workers for cleaning the schools. The petitioner has also filed photographs to substantiate his contentions.

3. On notice, the respondents have filed the counter affidavit. Paragraph Nos. 3 to 5 of the counter is as under.

"3. I deny the averments contained in paragraphs 4, 5 6 and 10 of the affidavit. I state that there is no iota of truth in it and the allegations are per se defamatory. It state that the above Writ Petition itself has been filed with ulterior motive and oblique purpose and morefully to wreck vengeance on the 4th respondent School. I state that the petitioner has approached this Hon'ble Court with unclean hands and has suppressed many vital facts and attempting to mislead this Hon'ble Court. I

state that there is absolutely no public interest involved in the above writ petition and the same has been filed for personal gains and to black mail this respondent. It is pertinent to point out that the petitioner is an unemployed person and not as claimed by him.

4. Notwithstanding the above, the answering respondent states the real facts as follows:- I state that the 4th respondent school was established 75 years ago and is being run by Roman Catholic Diocese. I state that the school is catering to the needs of four villages and nearly 70 students who hail from poor and downtrodden are studying. I state that it is a Middle School having 1st to 8th Standards. I state that free education is being provided to students including supply of text and note books. I state the School is also running a Auto Rickshaw for picking and dropping students from the nearby villages free of costs. I state that the students have to pay the examination fees only. I state that the Nutritious Meal Centre run by the Government is also functioning for the benefit of the students. I state that Head Master / Mistress and Assistant Head Master / Mistress are aided staffs and 5 other teachers are Management staffs. I state that school is also having a Non-Teaching Staff under the Management viz., Sanitary Worker. I state that presently one Fathima is working as Sanitary Worker from June 2018 and prior to her one Mary was working. I state that the Sanitary Worker sweeps the Class Rooms and the School in the mornings and cleans the toilets in the evenings.

5. I state that the Petitioner's wife Parvathy was working as a Teacher in the School under the Management quota on a consolidated pay of Rs.7,050/-. I state that her work was not satisfactory and her teaching was not good besides unauthorised absence for 11 days. Further she exhibited in-subordination and had misunderstanding with the Head Mistress. I state that she and the Petitioner approached me for increase in her salary and quarreled with me and I expressed my inability and asked them to approach the Diocese Education Commissioner who are the competent persons to redress their grievance. I state that sensing that she will be removed from the job she has cleverly made a plan to defame the school. It seems that she has asked some of the students to give pose of cleaning the toilets and has photographed it in her mobile and immediately forwarded the same to the petitioner herein. I state the School never

directs the students to clean the toilets and advice them to flush water after using the toilet only. I state that when a staff is working particularly for cleaning the toilet it is incredible that the School would have directed the students to clean the toilets. I state that if the fact is true the parents would have not kept quiet and would have encountered with the school. I state that no students have obtained the Transfer Certificate which will fortify the fact that the students were made to clean the toilets. I state that never in the history of 75 years such an allegation was made and for the first time the petitioner is making such a reckless allegation. I state that the School Authorities have also conducted an enquiry and found that the allegations made against the School are not correct. I reiterate that the school has never asked the students to clean the toilet and will never ask them to clean the toilets in the future. I state that the School is being run with a noble cause and persons like the petitioner is indulging in mudslinging activities against the School. This respondent reserves their right to claim damages from the petitioner in a competent court of law."

4. Files were also produced by the respondent. The school authorities have conducted an enquiry to look into the complaint that students were made to clean the lavatories on turn basis. In the enquiry it was found that after using the lavatories the students would pour water to clean it, which they should and this was photographed by the petitioner's wife by using her own mobile phone and she has used these photographs, as if, the students were being made to clean the lavatories.

5. The enquiry conducted by educational authorities and the counter affidavit of the school would clearly show that this writ petition is completely motivated and this writ petition is a complete abuse of process of law. The action of the petitioner is deprecated and the writ petition is liable to be dismissed with costs. Accordingly, instant writ petition is dismissed with costs, which we quantify at Rs.10,000/-[Rupees Ten Thousand Only], to be paid by the petitioner to the account of Juvenile Justice Fund, Director of Social Defence, Ministry of Social Welfare, Government of Tamilnadu, Kellys, Kilpauk, Chennai-600 010, within a period of ten days from the date of receipt of a copy of this order, failing which, the District Collector, Kancheepuram District, is directed to take action for

recovery, under the Tamil Nadu Revenue Recovery Act, 1864. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ars
To

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Chief Education Officer,
Chengalpattu,
Kanchipuram District.

3. The Revenue Divisional Officer,
Madhuranthagam,
Kanchipuram District.

4. The Juvenile Justice Fund,
Director of Social Defence,
Ministry of Social Welfare,
Government of Tamilnadu, Kellys,
Kilpauk, Chennai-600 010

+1cc to Mr. K.Govi ganesan, Advocate SR.No. 22274

+1cc to Mr. A.Venkatesan, Advocate SR.No. 21430

+1 cc to Government Pleader SR.NO. 22057

WP.No.33562 of 2018
and WMP No.38949 of 2018

gj (CO)
A.SK(22/04/2019)

WEB COPY