



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT
DATE : 18.06.2019
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 12372 OF 2019

K.K.Ramesh

... Petitioner

- Vs -

1. Union of India
rep. by its Secretary
Ministry of Human Resource
Development, Dept. of School
Education and Literacy
124C, Shastri Bhavan
New Delhi 110 001.
 2. The Principal Secretary to Govt.
Dept. of School Education
Fort St. George, Chennai 600 009.
 3. The Project Director
State Project Directorate
Rashtriya Madhyamik Shiksha Abhiyan
D.P.I. Campus, Nungambakkam
Chennai 600 006.
 4. The Joint Director
State Project Directorate
Rashtriya Madhyamik Shiksha Abhiyan
D.P.I. Campus, Nungambakkam
Chennai 600 006.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to instruct the 2nd respondent to appoint a High Committee headed by the Hon'ble Retired High Court Judge in order to enquire about the huge amount of bribe, irregularities and violations are committed by the higher authorities of school education department for supplying low quality lab articles for higher price to the Government Schools in all over Tamil Nadu during 2011-2019 by considering the petitioner's representation dated 3.5.2019.



For Respondents : Mr. K.Chellapandian, AAG
assisted by Ms.B.Srimathy, Spl. G.P. for
RR-2 to 4
Mr. R.Senthilkumar , CGSC for R-1

WEB COPY

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

This Court, in continuation and conjecture of the earlier dated 4.6.2019, is passing the following order.

2. This writ petition, styled as public interest litigation, was moved by the petitioner/party-in-person, who is also a seasoned public interest litigant before this Court, on 4.6.2019 and it was brought to the knowledge of this Court by the learned Addl. Advocate General that on an earlier occasion, he filed W.P. (MD) No.10012/2019 for similar relief and it was dismissed on 20.4.2019 and suppressing the said fact, he has filed the present writ petition. Therefore, this Court directed the Registry to place the entire bundle with regard to the order passed in W.P. No.10012/2019 and, accordingly, the said bundle is placed before this Court and this Court has also perused the same. It is relevant to extract the prayer in W.P. No.10012/2019 as also the prayer in the present writ petition, which is as under :-

<i>Prayer in W.P. (MD) No.10012/2019</i>	<i>Prayer in W.P. (MD) No.12372/2019</i>
<i>Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents 2 and 5 to order the 6th respondent to conduct enquiry regarding the huge amount of bribe, irregularities and violations are committed by the higher authorities of school education department for supplying the lab articles to the Government Schools in all over Tamil Nadu during 2018-2019 by considering the petitioner's representation dated 4.3.2019.</i>	<i>Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to instruct the 2nd respondent to appoint a High Committee headed by the Hon'ble Retired High Court Judge in order to enquire about the huge amount of bribe, irregularities and violations are committed by the higher authorities of school education department for supplying low quality lab articles for higher price to the Government Schools in all over Tamil Nadu during 2011-2019 by considering the petitioner's representation dated 3.5.2019.</i>



3. It is also brought to the knowledge of this Court by the learned Addl. Advocate General that paragraphs 5 to 12 in the present writ petition are verbatim reproduction from the affidavit filed in support of W.P. (MD) No.10012/2019 and this Court also compared the same and the said submission is found to be factually correct.

4. The petitioner/party-in-person, submits that as against the dismissal of W.P. (MD) No.10012/2019, SLP Diary No.19875/2019 has been preferred by the Hon'ble Supreme Court of India and the same is yet to be numbered.

5. A comparison of the prayers made in both the writ petitions disclose that except minor variation, the relief sought for by the petitioner/party-in-person in both the writ petition is one and the same. Further, the petitioner is also guilty of suppressing the earlier representation dated 4.3.2019 as well as the filing of W.P. (MD) No.10012/2019. It is settled position of law that a litigant, who seeks equity from this Court should come to this Court with clean hands and the petitioner/party-in-person, has failed to do so.

6. This Court has already pointed out the petitioner/party-in-person, is a seasoned public interest litigant and repeatedly filing very many public interest litigations before this Court as party-in-person and, therefore, he is also supposed to be aware that he is bound to disclose all the materials and relevant facts, but, however, the petitioner has failed to do so. The petitioner/party-in-person also made an attempt to argue on the merits of this case, but, however, this Court is not inclined to go into the same and as and when such irregularity is brought to the knowledge of this Court in the form of some other litigation, this Court may look into it decide the same accordingly.

7. In the result, this writ petition is dismissed with cost of Rs.10,000/- (Rupees Ten Thousand only) payable by the petitioner to the Siddha Clinic operating within the High Court Complex at the Madurai Bench on or before 1st July, 2019 and report compliance.

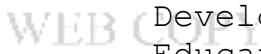
8. List the matter on 2nd July, 2019 for reporting compliance.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



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- W.P. (MD) NO. 12372 OF 2019
18.06.2019

MK (25.06.2019) 4P 9C