



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2019
CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY

W.P. (MD) .No.6487 of 2015
and
M.P (MD) No.1 of 2015
and
W.M.P. (MD) No.223 of 2017

P.Sumathi ... Petitioner
-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St. George,
Chennai-09.

2.The Commissioner,
Directorate of Technical Education (DOTE),
Guindy, Chennai.

3.Chellathai

4.Anbukarasi ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to conduct enquiry and to initiate departmental action against the respondents 3 and 4 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader
(for R-1 and R-2)

Mr.R.Anandharaj (for R-3 and R-4)

ORDER

The relief sought for in the present writ petition is for a direction to direct the second respondent to conduct an enquiry and to initiate Departmental disciplinary proceedings against the respondents 3 and 4.



2.The writ petitioner states that she served as a Junior Statistical Consultant at the Tamil Nadu Polytechnique College, Madurai, under the scheme of Community Development through Polytechnic in the Human Resource Development and obtained the monthly salary of Rs.6,000/- as per the work order, dated 08.05.2012 through the proceedings of the third respondent. The committee including Principal and Vice-Principal had selected 11 staff members to work under the scheme. Ten members and the writ petitioner were appointed by the committee. The grievances set out in the present writ petition by the writ petitioner is that the respondents 3 and 4 collected money illegally from the students and not deposited the same in the scheme account. In this regard, the learned counsel for the writ petitioner states that the amount of salary due to the writ petitioner also has not been settled by the respondents 3 and 4. The petitioner further states that the amounts were illegally collected by the Principal of the College from the students and the said amount was not properly accounted. In other words, it is stated that the amount collected were not deposited in the scheme account and the same were swindled. Thus, the writ petitioner made a complaint against the respondents 3 and 4 for initiation of departmental disciplinary proceedings against the respondents 3 and 4. In view of the fact that no action has been taken by the respondents 1 and 2, the writ petitioner is constrained to move the present writ petition.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 made a submission that the amount collected were already deposited by the authorities concerned. This apart, the writ petitioner was temporarily working as an employee under the scheme and she was discharged from service. If at all any salary due is to be paid, she is well within her right to claim the salary and not to make any unnecessary allegations against the respondents 3 and 4. The allegations set out in the complaint by the writ petitioner is incorrect and the amount collected from the students were already deposited by the authorities under the scheme account. This being the factum, the writ petition is liable to be dismissed.

4.The learned counsel for the writ petitioner states that the Commissioner of Technical Education, after, the complaint of the writ petitioner, made an enquiry and send a letter to the Principal Government Girls Polytechnic College in letter dated 04.04.2017, wherein, certain allegations are made. However, no further action has been taken against the persons who all are responsible and accountable for such illegalities and misappropriation of the funds collected from the students.



5.This being the factum, the Commissioner of Technical Education / second respondent is directed to conduct a thorough enquiry into the allegations of misappropriation or not depositing the funds collected in the Government account by the respondents 3 and 4 and in the event of any discrepancy or misappropriation or otherwise appropriate actions are to be initiated against all the officials who all are responsible and accountable for the funds collected from the students. The said exercise of conducting an enquiry and a decision to initiate all further actions are to be done within a period of twelve weeks from the date of receipt of a copy of this order.

6.With this directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary, State of Tamil Nadu, Department of Higher Education, Fort St. George, Chennai-09.

2.The Commissioner, Directorate of Technical Education (DOTE), Guindy, Chennai.

+1cc to the Spl.Govt.Pleader Sr.No.75192

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.75306

+1cc to Mr.R.Anandharaj, Advocate, SR.No.75224

sjj/Ns

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NA (25.07.2019) 3P :6C