

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11641 of 2020

Rajendra Kumar

.. Petitioner

Vs

1. The Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Educational Complex,
100 Feet Road,
Near Indira Gandhi Square,
Anna Nagar,
Puducherry - 605 005.

2. Murugavel

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 21.08.2019 and to direct the 1st respondent to take the Departmental action against the 2nd respondent.

For Petitioner : Mr.M Madhu Prakash

For Respondents : Mr.Stalin Abimanyu (for R1)
Government Advocate (Pondy)

O R D E R

This matter was taken up today, through web hearing.

2. The petitioner has approached this Court, seeking the following relief:

"for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 21.08.2019 and to direct the 1st respondent to take the Departmental action against the 2nd respondent."

3. According to the petitioner, he is running a small business in the name and style of "Auro Packing Industries". In regard to a property dispute, the petitioner claims that the 2nd

respondent who was employed as a Teacher in the Government Higher Secondary School, Alankupan, Pondicherry, had threatened him with some henchmen in his office on 04.12.2018. According to him, a police complaint was filed before the Inspector of Police and an FIR was also filed in that regard.

4. Thereafter, it appears that the petitioner has given a representation on 21.08.2019, to the 1st respondent to take disciplinary action against the 2nd respondent for holding of grudge against him and for other allied acts, which gave rise to the registration of the FIR. Since, according to the petitioner, no action has been forthcoming from the 1st respondent, the petitioner is before this Court, seeking direction to the 1st respondent to proceed to take action against the 2nd respondent on the basis of his representation.

5. This Court is unable to appreciate as to how in a matter of personal dispute, the petitioner can involve this Constitutional Court for granting the direction as prayed for by him. Obviously, the petitioner has an axe to grind against the 2nd respondent in property dealing and the disputes relating thereto cannot be the subject matter of proceedings before this Court under Article 226 of the Constitution of India.

6. When an FIR was registered at the instance of the petitioner as claimed by him, it is always open to him to proceed with the FIR as he deems fit. But, it is certainly not open to the petitioner to come up with the present writ petition for achieving a personal agenda and for achieving a collateral purpose. This kind of litigations are motivated and intended to achieve malicious result. This Court cannot be a party to such devious design of the petitioner. It is always open to the petitioner to sort out his issues with the 2nd respondent in a different forum and not before this Court. Therefore, this Court finds that the writ petition lacks in bonafides and ought not to be entertained. Hence, the writ petition stands dismissed. No Costs. सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

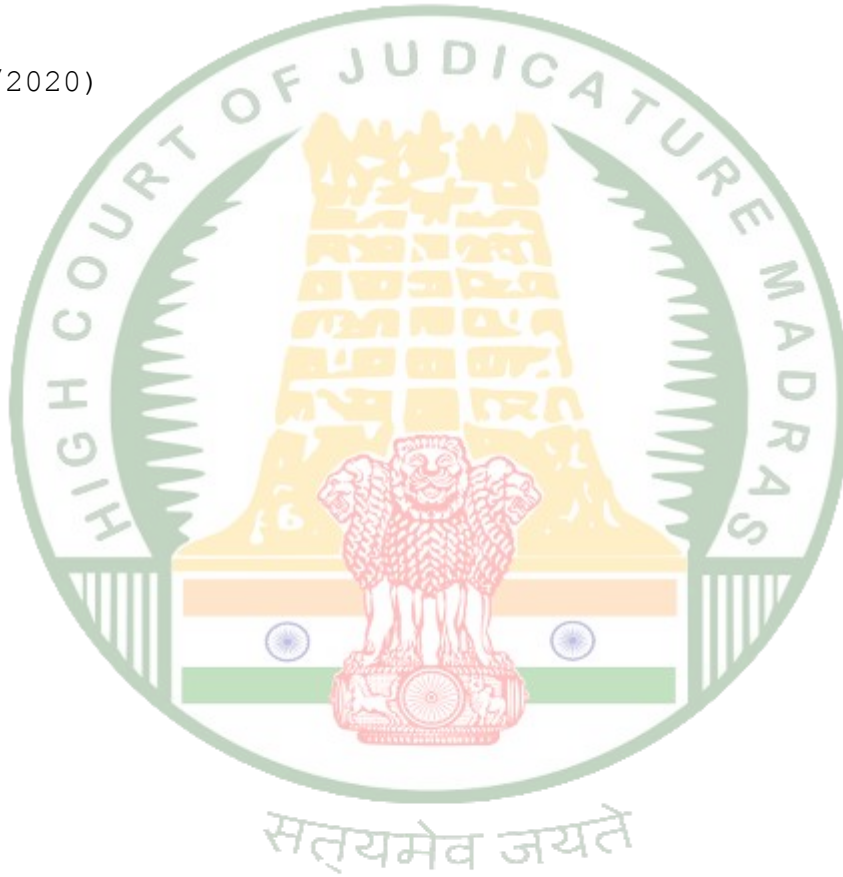
To

The Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Educational Complex,
100 Feet Road,
Near Indira Gandhi Square,
Anna Nagar, Puducherry - 605 005.

+lcc to Government Pleader, in SR.28153

WP No.11641 of 2020

RSV (CO)
RV (14/09/2020)



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