

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.16606 of 2020

&

W.M.P.No.20599 of 2020

N.Elanchezhiyan

...Petitioner

Vs.

- 1.The Accountant General (A&E) Tamil Nadu,
Office of the Accountant General (A&E)
Tamil Nadu, No.361, Anna Salai,
Teynampet, Chennai - 600 018.
- 2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, Chennai - 600 006.
- 3.The Chief Educational Officer,
The Office of Chief Education Officer,
Thiruvannamalai - 600 601,
Thiruvannamalai District.
- 4.The District Educational Officer,
Office of the District Educational Officer,
Polur Educational District,
Polur - 606 803.
Thiruvannamalai District.
- 5.The Block Educational Officer,
Office of the Block Educational Officer,
Polur Panchayat Union,
Polur - 606 803, Thiruvannamalai District.
- 6.The Assistant Treasury Officer,
Sub Treasury, Polur - 606 803,
Thiruvannamalai District.

7.P.Ganga

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the respondents 4 & 5 to complete the disciplinary proceedings upon

the 7th respondent on the basis of letter dated 08.07.2020, R.C.No.4181/B3/2020 of third respondent.

For Petitioner	..	Mr.C.Venkatesan
For Respondents	..	Mr.C.Munusamy, Special Government Pleader

ORDER

The case of the petitioner is that he has been working as a Secondary Grade Teacher since 07.09.1997 and is now working in Panchayat Union Elementary School, Ramapuram, Polur Panchayat Union, Thiruvannamalai District. According to the petitioner, the 7th respondent had been acting inimical against him by falsifying his service records, which compelled the petitioner to file suit for damages for a sum of Rs.10,000/- in O.S.No.378 of 2012 and the same was renumbered as O.S.No.507 of 2017 and is still pending before the Munsif Court, Polur.

2.The petitioner appears to have submitted a representation in 2017 to the Official respondents to record the factum of pending Civil Suit against the 7th respondent in his Service Book and also to initiate disciplinary action. According to the petitioner, a show cause notice was issued to the 7th respondent and there was no further action and eventually the 7th respondent retired from service on 31.05.2020. The grievance of the petitioner is that the 7th respondent claiming terminal benefits on his retirement and in case the retirement benefits had been settled to him, petitioner's complaint against him would be rendered futile.

3.According to the petitioner, the pending judicial proceeding against the 7th respondent was also to be taken into consideration while settling the retirement benefits due to the 7th respondent. The petitioner therefore has come up with this writ petition for issuance of writ of mandamus to seek direction to the official respondent to complete the disciplinary action against the 7th respondent.

4.This Court is unable to appreciate as to how the present writ petition could be maintained on such prayer being sought for by the petitioner against interest of the retired teacher, the 7th respondent herein. Obviously the petitioner has some axe to grind against the 7th respondent and in order to settle his personal scores, the petitioner with a malicious intent has invoked the extraordinary jurisdiction of this Court seeking issuance of Writ of Mandamus.

5.The Constitutional jurisdiction of this Court cannot be allowed to be misused by pursuing the hidden agenda of the vested interest. This Court's jurisdiction is not available settling private scores between the petitioner and the 7th respondent and involving this Court in such matters has to be strongly deprecated. Moreover, the Writ Petition is bereft of any materials to disclose any legal sense for it, to be entertained. The averments are completely disjointed lacking in coherence and no specific cause of action has been disclosed for the writ petitioner to maintain the Writ Petition.

6.In the circumstances, the Writ Petition is liable to be dismissed with costs. Therefore, the Writ Petition stands dismissed with a cost of Rs.5,000/- payable by the petitioner to the Hon'ble Chief Minister's Covid - 19 Relief Fund. The cost to be paid by the petitioner within a period of two weeks from the date of receipt of copy of this order failing which the cost to be recovered from the petitioner by the District Collector by initiating proceedings under the Tamil Nadu Revenue Recovery Act and remit the amount to the Hon'ble Chief Minister's Covid - 19 Relief Fund.

7.Registry is directed to mark a copy of this order to the District Collector, Thiruvannamalai District to enable the Collector to initiate proceedings against the petitioner, in case the cost has not been paid by the petitioner within the stipulated time. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvannamalai District.
2. The Accountant General (A&E) Tamil Nadu,
Office of the Accountant General (A&E)
Tamil Nadu, No.361, Anna Salai,
Teynampet, Chennai - 600 018.
3. The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, Chennai - 600 006.

4. The Chief Educational Officer,
The Office of Chief Education Officer,
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Thiruvannamalai District.
5. The District Educational Officer,
Office of the District Educational Officer,
Polur Educational District,
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Thiruvannamalai District.
6. The Block Educational Officer,
Office of the Block Educational Officer,
Polur Panchayat Union,
Polur - 606 803, Thiruvannamalai District.
7. The Assistant Treasury Officer,
Sub Treasury, Polur - 606 803,
Thiruvannamalai District.

+1cc to the Government Pleader in SR.NO..38229

+1cc to Mr.C.Venkatesan, in SR.NO..38318

W.P.No.16606 of 2020

UM(CO)
RV(23/12/2020)



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