

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.19282 of 2020 and
W.M.P.No.23874 of 2020

K.Amala

... Petitioner

-Vs-

- 1.The Director of Health Services & Preventive Medicine,
Teynampet, Chennai.
- 2.The Deputy Director of Health Services,
Cuddalore, Cuddalore District.
- 3.The Block Medical Officer,
Government Primary Health Centre,
Pudhuchathiram,
Chidambaram Taluk,
Cuddalore District.
- 4.Mrs.Amutha
- 5.Mrs.Banumathi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to take suitable disciplinary action against the fourth respondent by considering the petitioner's representation dated 11.11.2020 within a period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.D.Venkatesan, GA for R1 to R3

O R D E R

This writ petition has been filed to direct the first and second respondents to take suitable disciplinary action against the fourth respondent by considering the petitioner's representation dated 11.11.2020 within a period stipulated by this Court.

2. The case of the petitioner is that she was working as Staff Nurse in the Government Primary Health Centre, Pudhuchathiram, Cuddalore District. According to her, she has recently suffered from miscarriage and has been suffering from various Gynaecological problems and her health condition has deteriorated. According to the petitioner, she had to remain absent due to the health issues. But, the fourth respondent who is working as a Block Medical Officer in the Primary Health Centre, has been harassing her vindictively notwithstanding her health condition.

3. The petitioner has stated several facts in the affidavit as to how the fourth respondent has been forcing the petitioner to join duty without appreciating her deteriorated health condition. The petitioner appears to have also approached this Court in W.P.No.9944 of 2020 in regard to her appearance before the Medical Board and to get clearance for joining duty. The issue before this Court was whether the petitioner was entitled to regularize her leave period or not.

4. Number of instances have been quoted by the petitioner in the affidavit stating that how constantly the fourth respondent has been harassing her vindictively. In the said circumstances, she is before this Court seeking direction to the first and second respondents to take suitable disciplinary action against the fourth respondent by considering her representation dated 11.11.2020.

5. This Court is unable to appreciate as to how at the instance of the petitioner, such blanket direction could be issued to the authorities to take action against another Government official. This Court's constitutional jurisdiction cannot be used to settle personal fight between the petitioner and the fourth respondent. Whatever be the difficulties as between the petitioner and the fourth respondent in discharge of their respective duties while managing the Primary Health Centre, such dispute cannot be a subject matter of litigation before this Court.

6. In any case, on the basis of self serving averments of the petitioner, no direction could be issued by this Court as that would only help the petitioner to advance her personal agenda against the fourth respondent. These kind of writ petitions are always motivated and intended to achieve a collateral purpose and this Court's jurisdiction cannot be used for such illegitimate purpose.

7. In view of the above, the present writ petition deserves to be dismissed and hence, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

gsk

To

- 1.The Director of Health Services & Preventive Medicine,
Teynampet, Chennai.
- 2.The Deputy Director of Health Services,
Cuddalore, Cuddalore District.
- 3.The Block Medical Officer,
Government Primary Health Centre,
Pudhuchathiram,
Chidambaram Taluk,
Cuddalore District.

+1 cc to Mr.N.Sathish Babu Advocate sr41990
+1 cc to the Government pleader sr41848

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