



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.09.2020

Pronounced on : 23.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

W.P (MD) No. 8968 of 2020

and

W.M.P (MD) No. 8197 of 2020

T.Arokia Selvin

: Petitioner

Vs.

1. The Director,
Director of Vigilance and Anti-Corruption,
No. 293, M.K.N. Road,
Alandur, Chennai - 600 016.

2. The Deputy Superintendent of Police,
Vigilance and Anti-corruption,
Nagercoil,
Kanyakumari District.

3. The Director of School Education,
D.P.I. Campus, College Road,
Nungampakkam,
Chennai - 600 006.

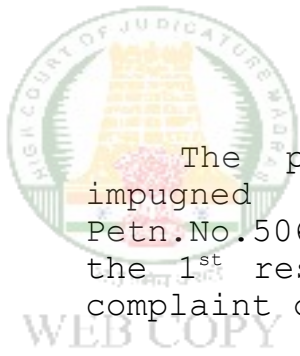
4. V.R. Sajikumar,
Correspondent,
Purushothaman Pillai Memorial
Higher Secondary School,
Anducode and Post,
Vilavancode Taluk,
Kanyakumari District,
629 168.

: Respondents

[Respondent No. 4 is impleaded vide Court order dated 24.08.2020 in WMP (MD) No. 8926 of 2020]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of certiorarified mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Petn. No. 5067/2020/EDN/KK, dated 06.07.2020, quash the same and for directing the 1st respondent to take appropriate action on the petitioner's complaint dated 24.06.2020.

For Petitioner	: Mr. Vijayarajan
For Respondent Nos. 1 to 3	: Mr. M. Chandrasekaran, Additional Public Prosecutor
For Respondent No. 4	: Mr. Veera Kathiravan, Senior Counsel, for Mr. M. P. Hariprasad



ORDER

The petitioner has approached this Court challenging the impugned proceedings passed by the 1st respondent in Petn.No.5067/2020/EDN/KK, dated 06.07.2020 and for a direction to the 1st respondent to take appropriate action on the petitioner's complaint dated 24.06.2020.

2.The case of the petitioner is that the petitioner is a B.Ed., Graduate. An educational institution, namely, Purushothaman Pillai Memorial Higher Secondary School is located near his village and which is a Government Aided School. One C.Rambai, working as a Lab Assistant was to retire on 31.02.2017 and so, the petitioner made his application to consider his candidature to the said post. But it was replied that since the Institution was a minority institution, they refused to accept his application. However, they have appointed one S.S.Srisankar, on 01.06.2017 as Lab Assistant.

3.The said Institution was established by one Purusothaman Pillai, who hailed from linguistic minority and subsequently, the Institution was sold on 04.12.2014 to one V.R.Sajikumar, who does not belong minority and by order dated 14.12.2016, the Joint Director [Higher Secondary Education], Chennai has approved the change of management. Therefore, the School has lost its minority status

4.It is the case of the petitioner that the District Educational Officer, Kuzhithurai along with the Correspondent and others, had approved the appointments by fabricating false documents in his proceedings in Ni.Mu.No.2507/A2/(E1)2018, dated 04.05.2018.

5.Further on coming to know about the illegalities committed in the appointments, the father of petitioner, obtained certain details under the Right to Information Act, which reveal that the said School has lost its status of minority and therefore, it is not a minority school now. In this regard, the petitioner has lodged a complaint dated 24.06.2020 before the 1st respondent, who in turn forwarded the said complaint to the 3rd respondent for necessary action and the same was also communicated to the petitioner vide impugned communication. Aggrieved over the action of the 1st respondent in forwarding the complaint to the 3rd respondent, the petitioner has approached this Court with the aforesaid prayer.

6.The Correspondent of the School has filed an impleading petition in WMP(MD)No.8926 of 2020 and it was allowed on 24.08.2020.

7.Mr.Veera Kathiravan, learned Senior appearing for the 4th respondent submitted that the appointments in the School were made in a transparent manner and no illegalities were committed as alleged by the petitioner. The 4th respondent has made four appointments by following the procedures prescribed for Minority Schools and these appointments were duly approved by the District



Educational Officer and was forwarded to the Chief Educational Officer.

8. The learned Senior Counsel would further submit that the Minority Status of the School was obtained through declaration of the Court by way of decree and not from the Government. The said decree is not at all challenged and it is still in force. In recognition of transfer of correspondentship communication dated 24.11.2016, it is clearly stated that the 4th respondent's School is a Minority Institution and the allegations of the petitioner are baseless and therefore, the learned Senior Counsel prayed for dismissal of this writ petition.

9. Heard the respective learned Counsel on either side and perused the materials placed on record.

10. It appears that the petitioner is a candidate, who has approached this Court to take action against the 4th respondent, since the petitioner was not appointed as Lab Assistant, in the 4th respondent's School. It is stated that the writ petitioner has also filed a writ petition before the Kerala High Court levelling certain allegations against the Institution.

11. With the available records, it is seen that the petitioner has not substantiated that the linguistic minority status, which has been conferred on the 4th respondent's institution has been cancelled by the competent authority. Further it is stated that the issue whether the institution is having minority status or not, is also a subject matter in another writ petition before this Court.

12. Further the impugned proceedings in this writ petition is a mere communication sent to the petitioner, informing that his complaint has been forwarded to the 3rd respondent for necessary action.

13. In the light of the above discussion, the writ petition lacks merits and therefore, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. The petitioner is at liberty to work out his remedy before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

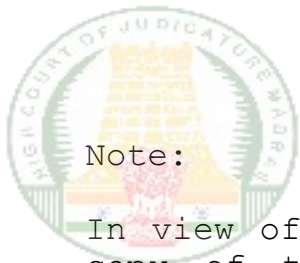
Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director,
Director of Vigilance and Anti-Corruption,
No. 293, M.K.N. Road,
Alandur, Chennai - 600 016.
2. The Deputy Superintendent of Police,
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Nagercoil,
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3. The Director of School Education,
D.P.I. Campus, College Road,
Nungampakkam,
Chennai - 600 006.

+1CC to Mr. R. Subramanian, Advocate, SR.No. 27204 dated 28/12/2020

W.P (MD) No. 8968 of 2020
23.12.2020

SR (CO)
KB (05.01.2021) 4P 5C