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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.07.2021

CORAM :

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.14728 of 2021

R. Elango

... Petitioner

Vs

1. The Director of School Education
DPI Complex
Nungambakkam
Chennai - 600 006
2. The District Educational Officer,
Office of the District Educational Officer,
Nagapattinam - 611 003
3. The Block Educational Officer,
Vedaranyam Post,
Vedaranyam Taluk,
Nagapattinam District - 614 810
4. The Headmaster,
Aided Middle School,
Karuppankadu,
Thennampulam,
Nagapattinam District - 614806

5. C. Veerapandiyan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ, order or direction, more particularly a writ in the nature of Writ of Mandamus directing the respondents 1 to 4 herein to consider the petitioner's representation dated 30.12.2020 and take necessary action against the 5th respondent herein for illegally drawing salary at the school while being present at the criminal proceedings for the period from 05.06.2015 to 07.04.2018.

For Petitioner : Mr. G. Karthikeyan

For Respondents: Mr. C. Kathiravan for R1 to R3,
Government Advocate



ORDER

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This writ petition is filed for issuing a direction to the respondents 1 to 4 to consider the representation dated 30.12.2020 and take action against the fifth respondent, who is working as a Secondary Grade Teacher in an aided school, for illegally drawing salary in a school while being present at the criminal proceedings for the period from 05.06.2015 to 07.04.2018.

2. The petitioner appears to have filed a criminal complaint against the fifth respondent under Section 138 of the Negotiable Instruments Act. The petitioner has filed several representations under the Right to Information Act to know about the attendance of the fifth respondent on all those days when he was present in Court, to defend the criminal case filed by the petitioner herein. The petitioner himself is unable to get any information whether the fifth respondent applied for leave or got permission for all those days when he attended the criminal court. The petitioner obtained the attendance register for a short period and pointed out that the attendance register sent to him earlier under Right to Information Act is not the correct one (fake). The petitioner wants to take action against the fifth respondent by presuming that the fifth respondent might have marked his attendance in school and appeared and attended hearings in criminal court. From the attendance register, the petitioner is unable to point out any irregularity.

3. The petitioner has filed a case before the Magistrate Court concerned, under Section 138 of the Negotiable Instruments Act. The petition was dismissed. Now the disappointed and disgruntled petitioner is after the education department and school based on assumptions. The representation of the petitioner does not indicate a statutory right to the petitioner under any law. Hence, for want of bona fides and locus standi, this court is unable to exercise its extraordinary power under Article 226 of the Constitution of India. As a result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mrn



To

1. The Director of School Education
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Chennai - 600 006

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4. The Headmaster,
Aided Middle School,
Karuppankadu,
Thennampulam,
Nagapattinam District - 614806

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.33838

+1cc to the Government Pleader, S.R.No.34327

W.P.No.14728 of 2021

PMK(CO)
CB(18/08/2021)