



W.P. No.32752 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.32752 of 2022

N.P.Bhaskaran

... Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Revenue Department
Fort St.George Chennai 09
- 2.The Additional Chief Secretary/
Commissioner for Revenue Administration
Ezhilagam Chepauk Chennai 05
- 3.The Secretary to Government
Revenue and Disaster Management Department
Fort St.George, Chennai- 09
- 4.The District Collector,
Nagapattinam District
- 5.The District Collector
Tiruvarur District
- 6.The Tahsildar
Tiruvarur Taluk, Tiruvarur District



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7.The Tahsildar

Thirukuvalai Taluk

Nagapattinam District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the impugned notifications dated 9.10.2022 and 10.10.2022 respectively on the file of respondents 6 and 7 and quash the same and direct respondents 1 to 3 to formulate appropriate and relevant guidelines in consonance with the provisions of the Special Rules framed under G.O.Ms.No.521 dated 17.06.1998 and G.O.Ms.No.574 dated 17.10.2020 and direct the All District collectors more particularly the respondents 4 to 7 to follow the same in the matter of appointment of village Assistants by respondents 6 and 7 without the intervention of the respondents 4 and 5 contrary to the directions of G.O. Ms.No. 574 dated 17.10.2020.

For the Petitioner :: Mr.S.Sadasharam

For the Respondents :: Mr.A.Selvendran,
Special Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition, filed as a public interest litigation, is not maintainable for the simple reason that it pertains to service matters.

2. This Court, following the dictum laid down by the Hon'ble Supreme Court, in the order in W.P.(MD) No.4151 of 2018 (Abdullah vs. State of Tamil Nadu) has held that writ petition filed pertaining to



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service matters is not maintainable. The relevant portion reads as under:

“18.1. Whether Public Interest Litigation is maintainable in service matters, that too, by a stranger?

18.3. It is pertinent to point out that already the petitioner filed Crl.O.P.(MD)No.19985 of 2014 to register a case based on his complaint dated 01.11.2014. This Court, by order dated 09.01.2015 directed the respondents therein to file action taken report on or before 11.03.2015. Consequent to the order passed by this Court, the Vigilance and Anti Corruption Department, Thiruchirappalli filed a case against the fourth respondent and others in Crime No.2 of 2015. Further, the petitioner also filed one more Crl.O.P.(MD)No.15532 of 2016 to transfer the investigation in Crime No.2 of 2015 to Central Bureau Investigation. In the said petition, this Court fixed 12 months time to complete the investigation. However, the petitioner came before this Court by way of present Public Interest Litigation to take action against the fourth respondent. Against fourth respondent a case in Crime No.2 of 2015 was registered and this Court granted 12 months time to complete the investigation to the Vigilance and Anti Corruption Department vide its order dated 19.01.2018. When the investigation is pending, the petitioner has filed this writ petition to take action against the fourth respondent vide, his representation dated 07.02.2008, wherein the petitioner prayed for, to stop any promotion, which clearly amount interfering into the fourth respondents service matter.



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18.4. The writ petition in W.P.(MD)No.12648 of 2018 is filed to transfer the fourth respondent from the present place to any other place. Therefore, this also clearly comes under the purview of the service matter of the fourth respondent. The Honble Supreme Court in catena of cases decided that Public Interest Litigation cannot be maintainable in a service matter.

18.5. Admittedly, the petitioner has given a representation dated 01.11.2014 before the Vigilance and Anti Corruption, Thirichirappalli against the fourth respondent. On the basis of the said representation, Crl.O.P.(MD)No.19985 of 2014 was filed to register the complaint and the same was ordered as prayed for. Accordingly, a case was registered in Crime No.2 of 2015 against the fourth respondent. Thereafter, the petitioner filed one more Crl.O.P.(MD)No.15532 of 2016 for transfer of the investigation and the same was ordered directing the respondents therein to complete the entire investigation within twelve months. In the meantime, in order to interfere with the affairs of the respondents, particularly with the fourth respondent in his service matters, he gave two representations dated 07.02.2018 and 28.04.2018 to take appropriate action against the fourth respondent and filed W.P.(MD)Nos.4151 and 12648 of 2018 for the relief stated therein. So even on merits of the case also without completing the investigation, it is not possible to take action against the fourth respondent either by virtue of departmental action or to transfer the petitioner. Furthermore, the prosecuting authority, i.e. the Vigilance and Anti Corruption Department, Thirichirappalli, also filed report



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and has not expressed anything with regard to the tampering of the witnesses. In such circumstances, interfering with the service matters and seeking prayer to transfer the investigation by the petitioner is unwarranted.

18.6. The Honble Supreme Court in the matter of ASHOK KUMAR PANDEY v. STATE OF WEST BENGAL (2004 (3) SCC 349), held at page Nos.358 & 359 as follows:

“As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in Dr. Duryodhan Sahu and Ors. v. Jitendra Kumar Mishra and Ors. (AIR 1999 SC 114), this Court held that in service matters PILs should not be entertained, the inflow of so~ called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to



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how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts.”

18.7. The same principles have been reiterated in the subsequent decision, viz., B.SINGH (DOCTOR) v. UNION OF INDIA, 2004 (3) SCC 363.

18.8. Further, in the decision in BHOLANATH MUKHERJEE vs. RAMAKRISHNA MISSION VIVEKANANDA CENTENARY COLLEGE ((2011) 5 SCC 464, the Honble Supreme Court has held that petitions, filed as Public Interest Litigation, in the service matters, are not maintainable.

18.9. Therefore, the principles laid down by the Honble Supreme Court of India, makes it clear that the Public Interest Litigation is not maintainable in service matters. Accordingly, the above decision is squarely applicable to the present case on hand.



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Hence the same is not maintainable, hence, it is rejected.”

3. Following the above judgment, this writ petition is dismissed.
No costs. Consequently, WMP Nos.32143 and 32144 of 2022 are closed.

(T.R., ACJ.) (D.B.C., J.)
07.12.2022

Index: Yes/No
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.
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