BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
04.04.2022	27.04.2022

CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2019 of 2022
and
W.M.P.(MD) Nos.1735, 1737 & 2793 of 2022

S.David Leo ... Petitioner

vs.

1.The Principal Secretary to the Government
School Education Department
Fort St.George, Chennai-9

2.The Director of Elementary Education
DPI Compound
College Road, Chennai-600 006

3.The Chief Educational Officer
O/o.the Chief Educational Officer
Pudukkottai District

4.The District Educational Officer
O/o.the District Educational Officer
Aranthangi, Pudukkottai District

5.The Block Educational Officer
Thiruvarankulam Block
Pudukkottai District

6.A.Karuppian
Middle School Headmaster
Panchayat Union Middle School
Panangulam North
Thiruvarankulam Block
Pudukkottai District

7.The Director of Vigilance and Anti-Corruption
Directorate of Vigilance and Anti-Corruption
Collectors Nagar, Alandur
Chennai-600 016 ... Respondents

[R7 is *suo motu* impleaded vide Court order dated 02.03.2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned order in Na.Ka.No.342/A3/2022, dated 25.01.2022 on the file of the Respondent No.4 and the consequential impugned order in Na.Ka.No.53/A2/2022 dated 25.01.2022 on the file of the Respondent No.5 and quash the same as illegal.

For Petitioner : Mr.Lajapathi Roy.T.
For Respondents : Mr.R.Baskar, Additional Advocate General assisted by Mr.Vairam Santhosh Additional Government Pleader for R1 to R5
Mr.Henri Tiphange for R6
Mr.A.K.Manikkam Special Government Pleader for R7

O R D E R

The writ on hand has been instituted questioning the order of transfer issued to the petitioner by the fourth respondent vide proceedings dated 25.01.2022 and the consequential order issued on the same day by the fifth respondent.

2. The petitioner was appointed in the post of Secondary Grade Teacher on 17.03.1986 and was promoted to the post of Primary School Headmaster on 05.06.2002 and further promoted to the post of Middle School Headmaster on 02.06.2008 and presently working as Headmaster in the Panchayat Union Middle School, Alangudi, Thiruvarankulam Block, Pudukkottai District.

3. The petitioner states that to his shock and surprise, the fourth respondent has issued the impugned order of transfer dated 25.01.2022, which amounts to punishment. Though the petitioner was transferred on administrative grounds, the nature of complaint or allegation made against the petitioner has not been explained in the impugned order. The petitioner further states that the Parent-Teacher Association submitted a written complaint against one Rajendran and Sujatha stating that they are misbehaving in the school campus and an enquiry was conducted by the erstwhile Block Educational Officer. The petitioner found that the complaint is true and preliminary enquiry report was submitted by the Block Educational Officer, however, no action was initiated against the said teachers.

4. The petitioner further states that when he acted based on the complaint of the Parent-Teacher Association, he has been penalized by way of the impugned transfer order. According to the petitioner, the sixth respondent, who is working as Middle School Headmaster in Panchayat Union Middle School, Panangulam North, Thiruvarankulam Block, Pudukkottai District, has involved in several irregularities, including sexual harassment. In order to accommodate the sixth respondent in the place of the petitioner as there was a protest against the sixth respondent by the village people, the petitioner has been unnecessarily transferred.

5. The learned counsel appearing for the petitioner made several allegations against the Authorities / respondents. The petitioner states that there is an allegation of sexual harassment against the sixth respondent and in order to accommodate the sixth respondent in his place, the impugned transfer order has been passed. During the course of argument, the learned counsel for the petitioner mainly contended that transfer and postings through counselling are made only based on corrupt activities. For the transfer and postings to a particular place or post, the teachers are paying rupees ten lakhs and above as bribe. The learned counsel for the petitioner made a serious allegation against the Authorities regarding rampant corrupt activities in the matter of transfer and postings. It is contended that in the case of the petitioner also, due to the corrupt activities, the petitioner is victimized.

6. In view of the fact that similar allegation of rampant corrupt activities in the matter of transfer and postings are made by several other learned counsels appearing in other cases, this Court *suo motu* impleaded the Director of Vigilance and Anti-Corruption and directed the learned Additional Advocate General, who took notice for the newly impleaded party, to get instructions with reference to such allegations as it is shocking the conscious of the Court.

7. The learned counsel appearing for the sixth respondent contended that the allegation against the sixth respondent is false and frivolous. The sixth respondent is ready and willing to work wherever he is posted and he has been posted in the place of the petitioner and he has not raised any objection for the administrative transfer issued by the Authority Competent.

8. The sixth respondent states that he is having meritorious service and narrates several good works done by him. However, this Court is of the considered opinion that such narrations are unnecessary as the present writ petition has been filed challenging the order of administrative transfer to the petitioner. But, the petitioner states that there is an allegation of sexual harassment against the sixth respondent. As far as such heinous offences are concerned, the Competent Authorities are bound to look into the matter and initiate all necessary actions both under the penal law and under provisions of the Sexual Harassment Act.

9. As far as the allegations of the petitioner that there are rampant corrupt activities in the matter of transfer and postings and also in transfer / promotion counselling are concerned, this Court directed the learned Additional Advocate General to get instructions from the Department of Vigilance and Anti-Corruption about the action initiated in respect of large number of complaints given by the teachers and the public in general regarding such corrupt activities in the Education Department.

10. The seventh respondent filed a status report, which reveals that the Department of Vigilance and Anti-Corruption receives approximately 15000 petitions every year. In view of the guidelines provided in Part II, Para 10 and 12 of the Vigilance Manual and as per the detailed guidelines issued by the Government of Tamil Nadu vide G.O.(Ms) No.173, P & AR (N) Department, dated 19.12.2018, prompt actions are taken by the Department. Part II of the Vigilance Manual clearly stipulates the guidelines for handling of petitions received at the Directorate of Vigilance and Anti-Corruption.

11. It is contended that after the amendment to Prevention of Corruption Act in 2018, the Government has issued detailed guidelines in respect of processing of petitions / complaints of alleged corruption against the public servants received at the Directorate of Vigilance and Anti-Corruption and the relevant portions of the Government order in G.O.Ms.No.173, P & AR(N) Department, dated 19.12.2018, are also stated in the report.

12. Citing the above provisions of the Vigilance Manual and the Government Guidelines, the seventh respondent has cited one case of C.Kipson, General Secretary, Tamil Nadu All Teachers' Association (TATA), Tirunelveli District. Citing actions initiated against one person, who is the office bearer of the Teachers' Association, may not be the appropriate answer for the larger issue raised before this Court that there are rampant corruptions in the matter of transfer and postings and counselling in the Education Department and more specifically, the learned counsel for the petitioner made a specific allegation that several wall posters were affixed in the public places and in spite of those informations and open complaints, the Vigilance and Anti-Corruption Department has not initiated any action even to verify the serious allegations of corrupt activities by the officials in the Education Department.

13. As far as the impugned transfer order in the present case is concerned, it is an administrative transfer. Transfer is an incidental to service, more so, a condition of service.

14. However, the learned counsel for the petitioner produced a wall papers and other instances of rampant corruptions prevailing in the Education Department for transfer and postings and for counselling. The serious allegations raised by the petitioner are to be considered by this Court in the larger interest as education for the children is the fundamental right and such large scale corruption activities in Educational Institutions can never be allowed nor be tolerated.

15. The petitioner filed copy of posters affixed in the public places and the news published in the newspapers and the complaint given by some Teachers' Associations regarding such corrupt activities.

16. The Vigilance Manual provides constitution and procedures to be followed and also the powers of the officials of the Department. Part II of the Manual deals with disposal of petitions / complaints, which alone has been dealt with by the seventh respondent in the status report filed before this Court. Pertinently, the other relevant provisions to control the corrupt activities in the Government Departments are not made available in the status report filed by the seventh respondent. Disposal of petitions / complaints under Paragraphs 10 to 12 is one aspect of the matter and the subsequent guidelines of the Manual are not elaborated by the seventh respondent for the reasons not known to this Court. When this Court specifically directed the seventh respondent to elaborate the actions initiated in respect of rampant corruption in the Education Department, more specifically in the matter of transfer and postings and counselling, the seventh respondent has simply relied on Paragraph 8 of the Manual by stating that they are receiving approximately 15000 petitions every year and in respect of those petitions, if corruption allegations are made, then these petitions are referred to the Head of the Department concerned.

17. The question arises what would be the consequences in the event of following these procedures alone in Part II Paragraphs 10 to 12. The consequences are that on receipt of a petition, the Vigilance and Anti-Corruption Department has to send the petitions to the Department concerned. The Head of the Department may not have any material available on record regarding the corruption allegations set out in the petition. Thus, in all probabilities, the Head of the Department will close the petition and that exactly is the happening as on date in many Government Departments across the State of Tamil Nadu. Thus, statistically the Vigilance and Anti-Corruption Department may say that they are receiving 15000 petitions approximately every year and referring all such petitions containing corruption allegations to the Head of the Department concerned. But, the Vigilance and Anti-Corruption Department has not stated anything about the cases registered and investigations conducted. Such happening in the Vigilance and Anti-Corruption Department is the sorrow state of affairs and it is no doubt directly in violation of the very spirit of the Prevention of Corruption Act and the procedures contemplated in the Vigilance Manual.

18. Even before this Court, the seventh respondent has simply stated that in respect of Part II Paragraph 10 of the Vigilance Manual, which deals with action on petitions received, they are referring the cases to the Head of the Department concerned under Paragraph 12. However, all those petitions are thrown in dustbins, without any further action by the respective Head of the Department and only in few cases, actions are taken if the Department concerned is in possession of some materials. Thus, the magnitude of corruption in the public domain are not addressed in order to meet out the requirement of the provisions of the Prevention of Corruption Act and the Vigilance Manual so as to ensure that the corrupt activities are dealt with appropriately and are minimized to the maximum possible. Though the Vigilance and Anti-Corruption Department claims that they are doing lot of works, it does not meet the current day large scale corruption allegations in Government Departments with reference to the provisions of the Prevention of Corruption Act and the procedures contemplated under the Vigilance Manual.

19. Contextually, let us consider Part XV of the Vigilance Manual, which deals with preventive aspect of the anti-corruption work, which is more important to make the Vigilance Department little more vibrant. Paragraph 129 deals with collection of intelligence, which reads as follows:

> ***"129. Collection of intelligence.***
>
> *(1) One of the important responsibilities of the Directorate of Vigilance and Anti-Corruption is the collection of intelligence about malpractices and corrupt activities in different departments. Every Officer of the Directorate should deem it a part of his normal duties and responsibilities to collect vigilance intelligence.*
>
> *(2) Sources are important for gathering good intelligence in anti-corruption work. Therefore, every officer, on joining the Directorate of Vigilance and Anti-Corruption, should make immediate efforts to set up good and reliable sources for collecting vigilance intelligence.*
>
> *(3) While collecting vigilance intelligence, special attention should be paid to the following types of corruption and malpractices -*
>
> *(a) Corruption at the level of omcers belonging to Groups A and B,*
>
> *(b) Corruption which causes financial loss to the Government,*
>
> *(c) Corruption which involves large sums of money,*
>
> *(d) Corruption which is likely to be exposed by the evidence in documents relevant to the connected Government transactions*
>
> *and*

(e) Corrupt practices which affect a large number among the general public and thereby bring down the image of the Government.

(4) (i) The Directorate of Vigilance and Anti-Corruption cannot depend on petitions or on references from Departmental Authorities, for taking up cases. Petitions more often than not stem from motives and are apt to contain exaggerations, if not outright false-hood.

(ii) As per the Report of the Committee on Prevention of Corruption headed by Tr. K. Santhanam, the duly of Vigilance and Anti-Corruption Agency is not merely to investigate complaints of corruption received by it. While this is one important aspect, because the Head Quarters and Detachments of the Directorate of Vigilance and Anti-Corruption, are declared as "Police Stations" under the Cr.P.C., what is perhaps more important is that they should be able to break into the various Departments / Organizations and "discover" (remove the cover on) Corruption. This is because the work connected with Anti-Corruption is rather peculiar and that there would be no ready or willing complainant to lodge reports with the Vigilance and Anti-Corruption Agency, for a variety of reasons.

(iii) In transactions where corruption is of collusive nature, in the sense, that both the public servant and the beneficiary are benefited, no complaint can be expected from private individuals, who are beneficiaries. If the officers of the Directorate of Vigilance and Anti-Corruption set up reliable informants, they could come to know the modus prevalent in corruption. Armed with this information, they could either conduct surprise checks/super-checks or undertake scrutiny of the particular transaction to bring out corrupt motive on the part of the public Servant and illegal gain to him and or to the other paw. If serious irregularities are detected-irregularities which should have been preceded or succeeded by dishonest consideration and not mere inadvertent or ignorant irregularities at least departmental action can be recommended, if prosecution is not considered feasible.

(iv) Officers of the Directorate of Vigilance and Anti-Corruption, should, therefore, develop their intelligence system and collect information regarding the malpractices in Government

Departments / Public Undertakings so that the irregularities could be exposed. Wherever possible, the responsibility for such irregularities may be fixed and appropriate action recommended against the Public Servants concerned. In addition, suggestions to streamline the system, which leads itself to such irregularities, could also be made.

(5) The Inspectors of Police and the Deputy Superintendents of Police in the Detachments of the Directorate of Vigilance and Anti-Corruption will send, in the first week of every month, Vigilance Reports in Proforma- 40 in duplicate, to the Range Superintendent of Police concerned with their specific recommendations for taking up a Preliminary Enquiry or any other appropriate action. However, if they have to report any urgent information during the month, they can come up with a special report at any time. The Vigilance Reports should contain the name and designation of the Officer reported against, the Department to which he belongs, the scale of pay of the post, his present pay and the group to which he belongs along with the details of the vigilance information gathered against him.

(6) During their tours, Range Superintendents of Police of the Directorate of Vigilance and Anti-Corruption will check with the Detachment Officers how far they have made, effective arrangements for the collection of intelligence and give them suitable instructions for follow up action in each case."

20. The above procedures under Paragraph 129 are in force with effect from 08.08.1973 and subsequently, Clause (4)(i) was amended on 21.05.1990 and Clause 4(ii) was amended on 10.04.1991. The procedures contemplate that collection of intelligence about malpractices and corrupt activities in different departments are the important responsibilities of the Directorate of Vigilance and Anti-Corruption. Paragraph 129(2) specifically states that sources are important for gathering good intelligence in anti-corruption work. Special attention is to be made in respect of corruption and malpractices at the level of officers belonging to Groups A and B and more so, regarding financial loss caused to the Government.

21. Paragraph 129(4)(i) contemplates that the Directorate of Vigilance and Anti-Corruption cannot depend on petitions or on references from Departmental Authorities, for taking up cases. The Detachments of the Directorate of Vigilance and Anti-Corruption are declared as "Police Stations" under the Code of Criminal Procedure, what is perhaps more important is that they should be able to break into the various Departments / Organisations and discover the corruption. To elaborate the above situation, Paragraph 129(4)(iii) stipulates that in transactions where corruption is of collusive nature in the sense, that both the public servant and the beneficiary are benefited, no complaint can be expected from private individuals, who are beneficiaries. If the officers of the Directorate of Vigilance and Anti-Corruption set up reliable informants, they could come to know the modus prevalent in corruption. Armed with such information, they could either conduct surprise checks/super-checks or undertake scrutiny of the particular transaction to bring out corrupt motive on the part of the public Servant and illegal gain to him and or to the other party. Therefore, the officers of the Directorate of Vigilance and Anti-Corruption have to develop their intelligence system and collect information regarding corruptions.

22. Let us now consider Part II Paragraphs 10, 11 and 12 of the Vigilance Manual regarding disposal of petitions / complaints. Paragraph 10 of Part II is in force with effect from 08.04.1964. During that relevant point of time, corruption in our country was far far less than the present day corrupt activities. Clause (6) of Paragraph 10 was amended on 28.12.1976, Clause (7) was amended on 08.11.1965 and Paragraph 11 also was amended on 08.11.1975, which speaks about complaints of corruption received by the Departmental Authorities.

23. The seventh respondent as on date is following the procedures contemplated in Paragraphs 10 and 11 of Part II of the Vigilance Manual and simply forwarding the complaints to the Head of the Department concerned. As per Paragraph 11, if the Department feels that an enquiry by the Directorate is called for, then they may forward the papers to the Government. Thereafter, the Government would deal with the case in accordance with the procedures laid down. However, Paragraph 10(2) provides that when petitions are received by the Directorate of Vigilance and Anti-Corruption, a preliminary enquiry may be conducted after obtaining specific orders from the Director, except in respect of All-India Service Officers, Heads of Departments and Collectors. Unfortunately, it is not made clear whether the petitions are forwarded to the Heads of Departments after conducting any preliminary enquiry as contemplated under the Vigilance Manual. The learned Additional Advocate General is also unable to contend that preliminary enquiries are conducted before forwarding the petitions to the Heads of Departments. Therefore, the Directorate of Vigilance and Anti-Corruption is not even conducting any preliminary enquiry as contemplated under Paragraph 10(2) of the Vigilance Manual and Paragraph 11 speaks about sending of complaints by the Department again to the Directorate is not followed and for all purposes, the Department may not have any material to establish the corruption allegations against the officer concerned. Thus, Paragraph 11 of the Vigilance Manual made as unworkable and by following any such an unworkable procedures, the petitions in large numbers are being dealt with and closed by the Directorate of Vigilance and Anti-Corruption and the manner in which such corruption allegations are dealt with by the Vigilance and Anti-Corruption cannot be appreciated by this Court. Contrarily, Paragraph 129 of Part XV, more specifically Clause (4) (i) & (ii), which were issued on 21.05.1990 and 10.04.1991 respectively, provide effective procedures even in the absence of complaints regarding corruption allegations.

24. On a combined reading of Paragraphs 10 and 11 of Part II and Paragraph 129 of Part XV of the Vigilance Manual, this Court is of the opinion that merely forwarding the petitions to Head of the Department concerned is not the correct procedure to be followed as per the Vigilance Manual. On receipt of any petition by the Vigilance Authorities, they have to conduct a preliminary enquiry as per Paragraph 10(2) before forwarding the complaints to the Heads of the Department and forwarding the complaints to the Heads of the Department is absolutely unnecessary with reference to Paragraph 129 of Part XV of the Vigilance Manual. Even in the absence of complaints, it is the mandatory duty on the part of the Vigilance and Anti-Corruption Department to create sources for gathering good intelligence in anti-corruption works and based on such intelligence, they have to initiate all appropriate actions, which all are contemplated under the Manual. More so, the Detachment of the Directorate of Vigilance Anti-Corruption is the Police Station under the Code of Criminal Procedure. Therefore, even in cases there is no complaint and the corruption is collusive in nature, then the bribe-giver and receiver should be prosecuted under the provisions of the Prevention of Corruption Act. Curiously, this Court has not informed about any case, where the bribe-giver is prosecuted. When the Courts are lamenting about rampant corruptions in Government Departments, the Vigilance Department is not improving their manner of investigations and cracking down the corrupt activities in Government Departments. Contrarily, they are conducting checks here and there and registering very few number of cases, which is not in commensuration with the gravity of the corruption allegations in public domain. Therefore, the constitutional obligations / requirements in this regard are not met with. In order to achieve the social justice and equality enunciated under the Constitution of India, the Department of Vigilance and Anti-Corruption plays a pivotal role as corruption activities are not only anti-social and anti-national, but it prevents the development activities of our great Nation, which is more detrimental to the interest of public at large and would create an impact on vibrant democracy.

25. Under these circumstances, the Directorate of Vigilance and Anti-Corruption is duty bound to concentrate on the procedures contemplated under Paragraph 129 of Part XV of the Vigilance Manual and create sources for gathering good intelligence in anti-corruption works and initiate actions, even in cases where there is no petition. In respect of petitions, the Vigilance and Anti-

Corruption Department is not expected to forward the same to the Head of the Department concerned without conducting preliminary enquiry even as per Paragraph 10(2) of the Vigilance Manual. Only during the course of preliminary enquiry, if the officials of the Vigilance Department found that the allegations are frivolous, then alone, they can send the petition to the Department for the purpose of initiating further action, if they are having any other material regarding any such allegations in the petition. Thus, it is made clear that preliminary enquiry becomes imminent for the purpose of forming an opinion where corruption allegations are established or not. If it is not established, then the petitions are to be sent to the Head of the Department concerned for further departmental actions, if materials are available for initiation of departmental actions. Such a procedure is vital in view of the fact that for punishing the Government servants under the Discipline and Appeal Rules, no strict proof is required, even preponderance of probabilities are sufficient to punish them. To convict a person under penal law, high standard of proof is required. This exactly is the reason why such procedure of conducting preliminary enquiry is contemplated. Without conducting preliminary enquiry, if first information report is registered, then the Government servants will be prejudiced unnecessarily. Thus, in all circumstances, preliminary enquiry is to be conducted for forming an opinion regarding corruption allegations and thereafter, it must be sent to the Head of the Department concerned with binding, if there is no proof to establish the corruption allegations under the Prevention of Corruption Act. The said procedure must run along with Paragraph 129 of the Vigilance Manual, which speaks about creation of sources and gathering of intelligence in anti-corruption work. All these procedures are to be worked out together to crackdown the corrupt activities in Government Departments.

26. Writ remedy under the Constitution of India and public interest litigation are inseparable. In every writ petition, there is an element of public interest. Public interest litigations are clarified and it does not mean in a private interest writ petition, the relief cannot be moulded. Moulding of relief in the public interest is the inherent power conferred on the High Court under Article 226 of the Constitution of India. Such inherent power under the Constitution cannot be taken away merely on technical reasons. Rendering complete justice must be the aim of the Constitutional Courts. High Court can go to any extent to provide complete justice to the citizen of our great Nation. Constitutional remedy is the administrative correctional jurisdiction. Whenever a correction is required, prayer needs to be moulded in the interest of justice.

27. The power of judicial review, under Article 226 of the Constitution of India, is to be exercised for correction of public administration. While doing so, piecemeal correction would lead to multiplicity of litigations. Thus, moulding of relief, in such circumstances, are imminent and warranted. By moulding the relief in an appropriate manner, multiplicity and duplication of litigations can be avoided and the similarly placed litigants will be benefited. The Apex Court repeatedly held that for the same relief, similarly placed persons need not be unnecessarily driven to the Courts to get the same relief.

28. While correcting the error in the administration, the Court must ensure that the benefits are granted to all the similarly placed persons. High Courts are not expected to do the clerical nature of work of passing routine and mechanical orders based on the similar orders or to consider the representation based on such orders or in the light of the Government Orders. Such orders are not correctional orders, but duplication. If those unnecessary multiplicity of litigations are avoided, then High Court would be in a position to decide the genuine litigations, which all are pending for many years as the legal issues are to be decided.

29. Unless the aim of the judiciary travels to avoid multiplicity of litigations, no doubt, it will be difficult to succeed in reducing the case pendency. The inherent power under the Constitution of India is expected to be exercised to achieve the constitutional goal. Exercise of power is to provide complete justice to the citizen, which is the constitutional mandate. Non-exercise of power or ineffective or incomplete exercise or passing via media orders would lead to confusions in the minds of Executives, which will result in non-implementation of orders and multiplicity of litigations. Rendering justice is not just arithmetic, but a constitutional philosophy. Settling the issues must be the endeavour of the Constitutional Courts. Non-exercise of power or ineffective exercise of power of judicial review would lead to increase in pendency of cases. Therefore, in all circumstances, Courts are thriving hard to settle the issues and redress the grievances in the manner known to Constitution and to ensure that multiplicity of litigations are avoided. Under such circumstances, the concept of moulding the relief becomes warranted. Moulding of relief, in such circumstances, would be a greater relief for the similarly placed aggrieved persons and to provide quietus to the issues raised before the Courts. This exactly is the reason why the Honourable Supreme Court of India on several occasions emphatically and in unequivocal terms held that the Constitutional Courts are empowered to mould the relief for the purpose of providing complete justice. One stage further, considering the present day mounting of litigations, Courts are expected to act in a proactive manner so as to avoid frivolous, unnecessary and multiplicity of litigations, which all are consuming larger judicial hours, thereby depriving the litigants from redressing their genuine grievances.

30. With reference to the context mentioned in the aforementioned paragraphs, the seventh respondent has to necessarily follow the procedures as contemplated in the Vigilance Manual in a constructive manner and for effective prevention of the menace of corruption. The procedures contemplated in the Vigilance Manual are unambiguous and the constructive way of its implementation is of paramount important. Thus, the seventh respondent has to consider the implementation of the Vigilance Manual in its real spirit.

31. Thus, the seventh respondent, with reference to the Vigilance Manual, has to constitute Special Teams to create adequate number of sources and gather intelligence and initiate all appropriate actions against the corrupt activities. If necessary, all necessary proposals may be submitted to the Government and the Director General of Police to provide additional forces to the Department of Vigilance and Anti Corruption to deal with large scale corrupt activities in Education Department and other Government Departments and in such circumstances, the Government has to consider the same in a realistic and practical manner.

32. Verification of assets of the higher officials, more specifically Group-A and Group-B Officials in the Education Department with reference to the present writ petition, as per the Vigilance Manual is also paramount important. The verification is to be done with reference to the declaration made in the service records. Disproportionality of wealth, if any, is to be dealt with in accordance with law.

33. Collecting informations about the functioning of various Teachers' Associations and the assets of the office bearers of the Teachers' Associations are also very important to control the corrupt activities in the Education Department as well as in the State as a whole.

34. Thus, in the event of receiving any complaint or information regarding corrupt activities, the Directorate of Vigilance and Anti-Corruption, by collecting intelligence through sources as per the Vigilance Manual, has to initiate all appropriate actions both under penal and service laws.

35. In view of the facts and circumstances, the writ petitioner has not established any acceptable ground for interfering with the impugned order. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Principal Secretary to the Government,
School Education Department,
Fort St.George, Chennai-9.

2.The Director of Elementary Education,
DPI Compound,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukkottai District.

4.The District Educational Officer,
O/o.the District Educational Officer,
Aranthangi, Pudukkottai District.

5.The Block Educational Officer,
Thiruvarankulam Block,
Pudukkottai District.

6.The Director of Vigilance and Anti-Corruption,
Directorate of Vigilance and Anti-Corruption,
Collectors Nagar, Alandur, Chennai-600 016.

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-21550[F] dated 27/04/2022)
+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-21999[F] dated 28/04/2022)
+1 CC to M/s.SPL.GP. (SR-22103,SR-22936[F] dated 28/04/2022)
+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-16633[F] dated 05/04/2022)

W.P.(MD) No.2019 of 2022 and
W.M.P.(MD) Nos.1735, 1737 & 2793 of 2022
27.04.2022

RD(09.05.2022) 14P 11C