



W.P(MD)No.27353 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27353 of 2019

G.Muralidharan

... Petitioner

Vs.

1.The Project Director,
Sarva Siksha Abiyan Scheme,
D.P.I campus,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Sarva Siksha Abiyan Scheme,
Kanyakumari District,
Nagercoil.

3.The Supervisor,
Sarva Siksha Abiyan Scheme,
Cluster Recourse Centre,
Thiruvattar (Post),
Kanyakumari District.

4.The District Project Coordinator,
Sarva Siksha Abiyan Scheme,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 4



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herein to disburse the balance amount of Rs.2,75,234/- to the petitioner which has been spent by the petitioner from his own funds for constructing the new school building in Thottamalai Government Primary School, Kanyakumari District under SSA Schme during the academic year 2008-2009 and disburse the said amount to the petitioner along with 12% interest per annum within a stipulated time as fixed by this Court.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.T.Ajmalkhan
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner is a retired Headmaster of Government Primary School, Thottamalai, Pechiparai Village Panchayat, Kanyakumari District. Under Sarva Siksha Abiyan Scheme, two classrooms were to be built. According to the petitioner, only a sum of Rs.5,80,000/- was allotted. It is pointed out that for constructing two classrooms, the said amount was absolutely insufficient. Therefore, the school committee passed resolution authorizing the petitioner to complete the construction out of his own funds. The petitioner was given assurance that the amount spent by him will be reimbursed. The petitioner asserts that he spent a sum of Rs.2,75,234/- out of his own funds and completed



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the construction. However, the said amount was not reimbursed. Seeking reimbursement, this writ petition has been filed.

3. The learned counsel appearing for the petitioner took me through the averments set out in the affidavit filed in support of the writ petition and also the materials enclosed in the typed set of papers and also the additional type set of papers. He also drew my attention to the resolution passed by the Village Educational Committee on 12.03.2019.

4. The learned Government Advocate appearing for the respondents took me through the averments set out in the counter affidavit and contended that the writ petition deserves to be dismissed.

5. I carefully considered the rival contentions and went through the materials on record.

6. It is quite possible that the petitioner spent his own funds to complete the construction as the sanctioned amount was insufficient. I will not question the bonafides of the petitioner. But the point arises for consideration is whether I can issue writ of mandamus as prayed for.



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7. As rightly pointed out by the learned Government Advocate, cause of action arose way back in the year 2008-09. The writ petition was filed a full 10 years later. Secondly, the funds cannot casually be directed to be disbursed. There is something called estimate, sanction of expenditure and disbursement of the funds. Courts will have to necessarily bear in mind the principles governing government expenditure. It is not in dispute that only a sum of Rs.5,80,000/- was sanctioned as construction cost. It was the duty of the petitioner to have stuck to the estimate. If the petitioner out of larger public interest chose to spend his personal money for completing the construction, he cannot later seek from the Government reimbursement. The petitioner erred in acting on the assurance of the Village Educational Committee. It is not possible for this Court to grant any relief.

8. The Writ Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes/ No
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IG.R.SWAMINATHAN, J.

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