



WEB COPY



W.P.No.38229 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 38229 of 2016

Mrs.Janaki @ Nancy Janaki

... Petitioner

Versus

1.The Director of Elementary Education,
College Road,
Chennai-600 006.

2.The District Elementary Educational Officer,
Virudhunagar Collectorate Campus,
Choolakarai, Virudhunagar-620 001.

3.The Assistant Elementary Educational Officer,
Viswanattham Panchayat School Campus,
Viswanatham, Sivakasi-626 189.

4. The Correspondent
Sivakasi Hindu Nadar Girls Middle School,
Sivakasi-626 123
Virudhunagar District.

5.Mrs.Chandrakala

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1st respondent to take disciplinary proceedings against the 5th respondent for misconduct within a time frame.



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For Petitioner : Mr.R.Kamaraj
For Respondents 1to 4 : Mr.T.Chezhian
Additional Government Pleader
For Respondent 5 : Mr.L.Margaret

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus to direct the 1st respondent to take disciplinary proceedings against the 5th respondent for misconduct.

2. The case of the petitioner is that she is the wife of one John Kennedy. However, the 5th respondent had developed illegal intimacy with her husband and married him even though the petitioner's marriage with her husband, John Kennady was subsisting. The petitioner has lodged a complaint of bigamy and FIR was also registered and a criminal case was subsequently initiated in C.C.No.97 of 2010 against the 5th respondent. The grievance of the petitioner is that the 5th respondent is working as a Secondary Grade Teacher in the 4th respondent school. The 5th respondent



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has violated the code of conduct framed by the Government of Tamil Nadu and therefore, the petitioner gave a complaint on 24.02.2015 requesting the 1st respondent to take action against the 5th respondent. The 1st respondent by proceedings dated 01.04.2015 forwarded the complaint to the 2nd respondent to take appropriate action on the petitioner's representation. The petitioner sent a further representation on 27.06.2015 enclosing substantial proof of evidence in support of her allegations. The petitioner followed with another representation on 05.03.2016. It is the specific case of the petitioner that despite all these representations, 1st and 2nd respondents have not taken appropriate action against the 5th respondent.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would invite the attention of this Court to proceedings in Na.Ka.No.1221/A4/2019 dated 03.04.2019 on the file of the District Educational Officer, Sivakasi. It is seen that in respect of the petitioner's grievance, the District Educational Officer, Sivakasi communicated the said proceedings to the 4th respondent.



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4. The learned counsel for the petitioner would submit that despite this communication having been issued in 2019, no action has been taken so far and the petitioner would be satisfied if suitable direction is issued to the 4th respondent to take action on her complaint and also in line with the proceedings issued by the District Educational Officer, Sivakasi dated 03.04.2019.

5. This writ petition is disposed of, directing the 4th respondent/School to pass orders on the petitioner's representation against the 5th respondent on the ground of misconduct and also comply with the directions issued by the District Educational Officer, Sivakasi in Na.Ka.No.1221/A4/2019 dated 03.04.2019. The 4th respondent shall carryout this exercise within a period of four weeks from the date of receipt of a copy of this order.

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Index: Yes/ No
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P.B.BALAJI, J.,

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