



W.P(MD)No.8055 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8055 of 2023

S.Theiveeka Xavier

... Petitioner

Vs.

1.The Joint Director of School Education,
(Secondary School Education)
Directorate of School Education,
DPI Campus, College Road,
Chennai-6.

2.The Chief Educational Officer,
Sivagangai,
Sivagangai District.

3.The District Educational Officer,
(Secondary School Education)
Sivagangai,
Sivagangai District.

4.The Headmaster,
Government Higher Secondary School,
Kalaiyarkovil,
Sivagangai District.

5.S.Arockia Irduhayaraj,
Head Master,
Government Higher Secondary School,
Kalaiyarkovil,
Sivagangai District.

... Respondents



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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 3 to take necessary disciplinary action against the said Head Master S.Arockia Irudhayaraj, 4th and 5th respondent herein based on the enquiry report filed by Tirupathur District Education Officer, by name Mr.P.Sangu Muthiah dated 04.03.2021 and the said Head Master to pay compensation to the petitioner.

For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 to R3. Issuance of notice to R4 & R5 is dispensed with.

2. The petitioner has given a representation to the second respondent seeking initiation of disciplinary action against the fifth respondent. Certain allegations have been set out both in the said representation as well as in the affidavit filed in support of the writ petition.

3. I have consistently taken the view that the Writ Court will not be justified in directing the employer to take disciplinary action against the subordinate. These are matters, in which, the competent authority has to take a call. The Writ Court will not be justified in issuing a direction in such cases.



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The petitioner has already given a representation. The second respondent is obviously cognizant of the fact. It is for him to take a decision as to what should be done.

4. Leaving the matter entirely to the discretion of the respondent, the Writ Petition is disposed of. No costs.

11.04.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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