



W.P(MD)No.8963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.8963 of 2023

P.Siluvai Rajan

... Petitioner

**Vs.**

- 1.The Government of Tamil Nadu,  
Rep. By its Secretary,  
School Education Department,  
Fort St.George,  
Chennai.
- 2.The Joint Director,  
Director of School Education,  
DPI Complex,  
Chennai.
- 3.The District Collector,  
Kanyakumari District,  
Nagercoil.
- 4.The Chief Educational Officer,  
Kanyakumari District,  
Nagercoil.
- 5.The District Educational Officer,  
Thuckalay Educational District,  
Kanyakumari District.
- 6.The Headmaster,  
Government Higher Secondary School,



W.P(MD)No.8963 of 2023

Ammandivilai,  
Kalkulam Taluk,  
Kanyakumari District.

7.M.Peridin  
Physical Education Teacher,  
Government Higher Secondary School,  
Ammandivilai,  
Kalkulam Taluk,  
Kanyakumari District.

... 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 6 to initiate appropriate departmental action against the 7<sup>th</sup> respondent by considering the petitioner's representation dated 12.07.2022.

For Petitioner : Mr.K.N.Guru

For Respondents : Mr.N.Satheeshkumar  
Additional Government Pleader for R1 to R6

### **ORDER**

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 to R6.

2. The petitioner claims to be a public interested citizen. His case is that the 7<sup>th</sup> respondent lacks requisite qualification to hold the post of physical education teacher. Yet, he has been appointed to the said post and he is presently working in the 6<sup>th</sup> respondent school. The petitioner has sent



**W.P(MD)No.8963 of 2023**

complaints to the various authorities. Since they have not taken action, the petitioner is constrained to file a present writ petition.

3. The 7<sup>th</sup> respondent had been appointed as Physical Education Teacher as early as in the year 2010. The petitioner's right have not in any way been infringed. This Court will not be justified in directing the employer to take action against the particular employee. It is for the competent authority to take a call in the matter.

4. I decline to issue any specific direction as prayed for. Leaving the matter entirely to the discretion of the competent authority, the Writ Petition is dismissed. No costs.

**19.04.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

To

1.The Secretary,  
School Education Department,  
Fort St.George,  
Chennai.

2.The Joint Director,  
Director of School Education,  
DPI Complex,  
Chennai.



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W.P(MD)No.8963 of 2023

**G.R.SWAMINATHAN, J.**

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- 3.The District Collector,  
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- 5.The District Educational Officer,  
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W.P(MD)No.8963 of 2023

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