



W.P.(MD)No.19742 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19742 of 2020

S.Thekala Mary

.. Petitioner

Versus

1.The Director of School Education,
DPI Campus, College Road, Nungambakkam,
Chennai.

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

3.The District Educational Officer,
O/o. District Educational Officer,
Iluppur Educational District,
Pudukkottai District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to furnish the information and the relevant documents sought by the petitioner in her Application dated 12.02.2020 under the Right to Information Act, 2005 based on the approval given by the second respondent in his Proceedings in Na.Ka.No.2401/Aa4/2020, dated 12.06.2020, so as to enable the petitioner to prove her innocence before this Court within the time limit that may be stipulated by this Court.



W.P.(MD)No.19742 of 2020

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third respondent to furnish the relevant documents sought for by the petitioner in her Application, dated 12.02.2020, under the Right to Information Act, 2005.

2. The petitioner was working as Headmistress at the Panchayat Union Middle School at Kattaiyandipatti, Pudukkottai District. The petitioner was transferred from the School on the basis of some complaint given against her and accordingly, she was sent to Vaazhaikurichi Panchayat Union Middle School. In the place of the petitioner, one Muthusamy was appointed. Under these circumstances, the petitioner made an application under the Right to Information Act, dated 12.02.2020, seeking for nearly 11 documents. On receipt of the same, the petitioner was only furnished with four documents and her request to furnish rest of the documents was rejected. Aggrieved by the same, the petitioner filed an appeal before the appellate authority and the appellate authority through the proceedings, dated 10.03.2020, directed the second respondent to furnish those documents, to which the petitioner is



W.P.(MD)No.19742 of 2020

entitled to under the relevant Act and the Rules. According to the petitioner, this order was not complied with and the documents were not furnished and aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondents.

4. It is brought to the notice of this Court that the petitioner, who was transferred in the year 2018, had joined the Panchayat Union Middle School at Vaazhaikurichi. She continues to serve as Headmistress in the same place till date. The petitioner has also not chosen to challenge her transfer order. The third respondent had furnished four documents to the petitioner and insofar as the other documents are concerned, the same pertain to one Muthusamy and therefore, the third respondent refused to furnish those documents to the petitioner. While considering the appeal, the appellate authority namely, the second respondent did not deal with the reasons assigned for non-furnishing the documents pertaining to another person named 'Muthusamy'. The appellate authority has generally stated that whatever documents to which the petitioner is entitled to, should be given to her. This order does not even refer to the proceedings of the third respondent and the reasons given in this



W.P.(MD)No.19742 of 2020

proceedings. Therefore, the order passed by the second respondent cannot be taken as a positive direction to furnish those documents, which were not given to the petitioner.

5. In the considered view of this Court, the documents, that are now sought for by the petitioner, pertains to another person named 'Muthusamy' and this person had joined in the place of the petitioner in the concerned School. Since the documents related to yet another person, the same cannot be furnished to the petitioner without putting the concerned person on notice. That apart, the petitioner has not even questioned her transfer order till date and therefore, it will be a mere academic exercise to direct the documents to be given to the petitioner at this length of time. The order passed by the second respondent does not positively direct the third respondent to furnish all the documents. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. No costs.

NCC : Yes/No
Index : Yes/No
smn2

09.10.2023



W.P.(MD)No.19742 of 2020

To

WEB COPY

- 1.The Director of School Education,
DPI Campus, College Road, Nungambakkam,
Chennai.
- 2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Pudukkottai, Pudukkottai District.
- 3.The District Educational Officer,
O/o. District Educational Officer,
Iluppur Educational District,
Pudukkottai District.



WEB COPY



W.P.(MD)No.19742 of 2020

N.ANAND VENKATESH, J.

smn2

W.P.(MD) No.19742 of 2020

09.10.2023