



W.P(MD)No.24694 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.24694 of 2022
and
W.M.P(MD)No.22043 of 2022**

Karunanidhi

... Petitioner

Vs.

- 1.The Joint Director (Personnel)
Department of School Education,
Chennai.
- 2.The Regional Educational Office,
Office of the Regional Educational Officer,
Kalaiyarkovil,
Sivagangai District.
- 3.The Chief Educational Officer
Office of the Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 4.Packiyamary
Head Mistress,
Puthukudiyiruppu Panchayat Union School,
Kalaiyarkovil Via,
Sivagangai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second and third respondents to initiate disciplinary action against the fourth respondent based on the proceedings in Oo.Mu. No.3685/E4/2021 dated 16.06.2022 of the third respondent and taking into the petitioner's representation, dated 01.07.2022.

For Petitioner : Mrs.A.Rajini

For Respondents : Mr.J.Ashok - for R1 to R3
Additional Government Pleader

Mr.G.Prabhu Rajadurai - for R4

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the second and third respondents to initiate disciplinary action against the fourth respondent based on the proceedings of the third respondent in Oo.Mu. No.3685/E4/2021, dated 16.06.2022 and taking into the petitioner's representation, dated 01.07.2022.



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2. We do not wish to go into the allegations and counter allegations made by the parties.

3. The petitioner made allegations as against the fourth respondent. The petitioner sent representation, dated 01.07.2022 to the second respondent to initiate disciplinary action as against the fourth respondent, based on the proceedings of the third respondent, but no concrete action is forthcoming. Therefore, the petitioner has filed this writ petition under the guise of 'Public Interest Litigation' for taking action.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 has stated that based on the complaint, dated 15.03.2022, made by one Sangaiya, the Department has conducted an enquiry and based on the enquiry report, dated 11.07.2022, the respondent Department has initiated Departmental proceedings on 03.08.2022 and framed charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 and the said charge memo was issued on 16.11.2022. Therefore, the allegation that the



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official respondents have not initiated action as against the fourth respondent is incorrect and action has been taken and charges were framed as against the fourth respondent. One of the impleading applications has been filed by one Muthukumar on behalf of the People of Puthukudiyiruppu Village in support of the aforesaid Headmistress.

5.At this juncture, it is appropriate to refer to the following observation made by the Apex Court in **Ashok Kumar Pandey vs. State of West Bengal and others** reported in (2004) 3 SCC 349, the Apex Court at paragraphs 5 to 16, held as follows:-

“16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations, whereas only a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts at times are entertaining such petitions and wasting valuable judicial time which,



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as noted above, could be otherwise utilized for disposal of genuine cases. Though in Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra (1998) 7 SCC 273, this Court held that in service matters PILs should not be entertained, the inflow of the so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. This tendency is being slowly permitted to percolate for setting in motion criminal law jurisdiction, often unjustifiably just for gaining publicity and giving adverse publicity to their opponents. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find out whether it was a bona fide venture. Whenever such frivolous pleas are taken to explain



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possession, the court should do well not only to dismiss the petitions but also to impose exemplary costs, as it prima facie gives impression about oblique motives involved, and in most cases shows proxy litigation. Where the petitioner has not even a remote link with the issues involved, it becomes imperative for the court to lift the veil and uncover the real purpose of the petition and the real person behind it. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

6. Public interest litigation is an extremely important jurisdiction exercised by the Supreme Court and the High Courts. The Apex Court in **Neetu v. State of Punjab, (2007) 1 SCC 614**, held that when a particular person is the object and target of a petition styled as public interest litigation, the Court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other mala fide object.

7. On considering the present nature of the writ petition and



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considering the fact that the writ petition has been filed under the guise of 'Public Interest Litigation' to take disciplinary action against the fourth respondent, in the light of the decisions cited supra, where such a prayer cannot be granted for action to be taken for disciplinary action and further, recording the aforesaid statement of the Department, we are not inclined to go into the other contentions raised by the parties concerned and hence, the writ petition filed under the guise of '*Pro bono publico*' is liable to be dismissed.

8. Accordingly, this writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
20.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

RM



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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

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ORDER MADE IN
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