



W.P.(MD).No.24272 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.24272 of 2023

B.Gokilapandian

... Petitioner

Vs.

- 1.The Director of Elementary Education,
Office of the Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The Joint Director of School Education (Personnel),
Office of the Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Director and Principal Commissioner,
Treasury and Audit Department,
No.571, Integrated Finance Department Campus,
Nandhanam, Saidapet-600 035.
- 4.P.Muniyandi,
Personal Assistant to the District Educational Officer (Primary),
Allinagaram, Theni,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents 1



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and 2 to initiate disciplinary action against the fourth respondent based on the representation of the petitioner, dated 07.09.2023.

For Petitioner : Mr.S.Louis

For R-1 to R-3 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant Teacher, working in Panchayat Union Middle School seeking a Mandamus to initiate action as against the fourth respondent, who is now working as a Personal Assistant to the District Educational Officer (Primary), Allinagaram, Theni.

2. As per the contentions of the writ petitioner, the fourth respondent had misused his position and instigated lady Teachers to file false allegations of sexual harrasment as against the writ petitioner. As against the fourth respondent, the petitioner is said to have file O.S.No.181 of 2021 before the Principal District Court, Theni for compensation for defamation. The petitioner has also filed C.C.No.66 of 2022 on the file of the Judicial Magistrate, Andipatti to punish the fourth respondent for creating alleged forged documents.



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3. According to the learned Counsel appearing for the writ petitioner, the fourth respondent has already submitted his papers to the authorities seeking voluntary retirement. In case if he is permitted to retire, the petitioner will not be able to prosecute the disciplinary action as against the fourth respondent herein. Hence, he has sought to file this Mandamus, directing the respondents 1 to 3 to initiate disciplinary action as against the fourth respondent herein.

4. From the facts narrated above, it is clear that there is a personal dispute between the writ petitioner and the fourth respondent herein, for which already civil and criminal proceedings have been initiated. The authorities will not be in a position to initiate any disciplinary action as against the fourth respondent herein as regards the personal dispute between the parties. Hence, the petitioner is always at liberty to pursue his remedy before the civil and criminal Court.

5. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

11.10.2023



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

To

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R.VIJAYAKUMAR, J.

BTR

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