



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02/02/2023

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WP (MD) No.27534 of 2022

S.Balamurugan : Petitioner

Vs.

- 1.The Director,
Vigilance and Anti-Corruption,
293, MKN Road,
Alandur,
Chennai-600 016.
- 2.The Director,
Public Health and Preventive Medicine,
Chennai-600 006.
- 3.The Director of Medical Education,
O/o.Director of Medical Education,
Kilpauk, Chennai-600 010.
- 4.The Director of Medical and Rural Health Services,
O/o.Director of Medical and Rural Health Services,
Anna Salai,
Chennai-600 006 : Respondents

Prayer: Writ petition has been filed under section 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in Na.Ka.No.31942/AAku/3/2021, dated 08/03/2022, quash the same and consequently, direct the respondents to re-conduct an enquiry on the petitioner's representation, dated 12/03/2021 within a time frame to be fixed by this court and pass such further or other orders.

For Petitioner : Mr.R.Jenifar Bibin

For Respondents : Mr.S.Ravi

Additional Public Prosecutor



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This writ petition has been filed seeking quashment of the order of the 4th respondent passed in Na.Ka.No. 31942/AAku/3/2021, dated 08/03/2022 and consequently, direct the respondents to re-conduct an enquiry on the petitioner's representation, dated 12/03/2021 within a time frame to be fixed by this court.

2.Heard both sides.

3.A short point arises for consideration in this writ petition.

4.The writ petitioner made a complaint against one Anbalagan, who was working as Lab Technician Grade II in the Government Hospital, Thirumangalam stating that for the purpose of promotion, he demanded the bribe amount. Later, he filed W.P(MD)No.9274 of 2021 seeking a direction to the authorities concerned to take action, on the basis of the above said occurrence and the complaint. That was disposed of by this court, on 28/07/2021, directing the Director of Medical Education and Preliminary and Rural Health Services and to take up the enquiry regarding the complaint and decide the same within a period of two months from the date of receipt of this order copy. Later, in pursuance of the



above said order, enquiry was undertaken by the Director of Medical and Rural Health Services and by order, dated 08/03/2022, the complaint was rejected as no basic evidence has been produced by the petitioner and that was also communicated to the petitioner. This writ petition has been filed seeking Certiorarified Mandamus to quash the above said enquiry report and directing to take an enquiry by the Vigilance Department.

5.I am unable to agree with such an argument that was advanced by the learned counsel appearing for the petitioner, since he sought an order of Certiorarified Mandamus in quashing the above said report. This sort of writ petition cannot be entertained, since the petitioner did not produce any valid evidence before the enquiry officer, so the complaint has been rejected. If he is still aggrieved by the outcome of the enquiry, he can very well maintain the proceedings before the appropriate court. But without resorting such a legal remedy, he filed this writ petition to conduct enquiry.

6.The next factor is that if the petitioner is aggrieved by the rejection of the complaint with regard to the allegation of bribery, as mentioned earlier, he can maintain the private complaint before the appropriate court, of course with the basic document and evidence. If



he is aggrieved by the outcome of the Departmental proceedings, then he can work out his remedy only before the competent bench and not before this bench.

7. When this was pointed out to the learned counsel appearing for the petitioner, he insisted upon the court that the enquiry report must be quashed and re-enquiry must be ordered. As mentioned earlier, he has to file appropriate petition and he has to work out his remedy before the appropriate Bench.

8. With regard to the first contention, as mentioned earlier, he can work out his remedy through proper proceedings and no enquiry can be ordered by exercising the jurisdiction under section 226 of the Constitution of India.

9. It has been more or less well settled that no writ will lie for directing the police officials or Vigilance Department officials to register a case or investigation. The petitioner has to exhaust his remedy, that was available under law before invoking writ jurisdiction. But he has simply sent a complaint, that was forwarded to the Department and the Department made enquiry and dismissed the complaint. Filing of the repeated writ petitions for the same cause of action cannot be appreciated.



10. For the reasons stated above this writ petition fails and the same is **dismissed**. No costs.

02/02/2023

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Internet: Yes/No
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G. ILANGO VAN, J



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