



W.P.(MD).No.7525 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7525 of 2024

V.Thavasi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.
2. The District Elementary Educational Officer,
(Elementary)
Sivakasi,
Virudhunagar District.
3. The Block Educational Officer,
Block Educational Office,
Srivilliputhur,
Virudhunagar District.
4. Rani
5. M.Somu

... 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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to 3 to take appropriate departmental action as against the fourth respondent, on the basis of the petitioner's representation dated 19.12.2023, within a time frame to be stipulated by this Court.

For Petitioner : Mr.S.Kishore Kumar

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

For R4 : Mr.M.Thirunavukkarasu

ORDER

The instant Writ Petition has been filed seeking a Mandamus as against the respondents 1 to 3 herein to initiate departmental action as against the respondents 4 and 5 based upon the representation given by the petitioner on 19.12.2023.

2. A perusal of the affidavit indicates that the fifth respondent is the owner of the property, for which the petitioner is alleged to have entered into an agreement to purchase the same. However, on breach of the said agreement, the fifth respondent has sold the property to the fourth respondent, who is the Headmaster of a Government School. Now, the petitioner has given a representation on 19.12.2023 to initiate action as against the fourth



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respondent herein for purchasing the property without obtaining prior permission from the concerned authorities.

3. It is the contention of the official respondents that the petitioner has attained superannuation on 30.04.2024 and he has already been permitted to retire. In such circumstances, the question of initiating any departmental action as against the fourth respondent does not arise. That apart, the Court cannot direct initiation of departmental action as against any Government employee and it is within the domain of the concerned officials. In case, if the petitioner is aggrieved over the breach of contract, it is left open to him to initiate appropriate civil proceedings.

4. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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