



W.P.(MD).No.9582 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9582 of 2024

Chithra Devi

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Office,
Tallakulam,
Madurai.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.
(Crime No.16 of 2023)

4.The Headmaster,
Government High School,
Melavalavu,
Madurai District.

5.G.Nagarajan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the official respondents 1 to 4 to initiate appropriate departmental action against the fifth respondent herein on the basis of the petitioner's representation dated 01.08.2023, 07.11.2023 and 06.03.2024 within the time limit as fixed by this Court.

For Petitioner : Mr.C.Suresh Kannan
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the official respondents 1 to 4 to initiate appropriate departmental action against the 5th respondent herein on the basis of the petitioner's representations, dated 01.08.2023, 07.11.2023 and 06.03.2024.

2. Mr.C.Suresh Kannan, learned counsel for the petitioner submitted that the petitioner and the fifth respondent are brother and sister. There was a dispute with regard to the property, based on which, an FIR in Crime No.16 of 2023 came to be registered for the offences



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punishable under Sections 468, 471, 420 and 120-B IPC against the fifth respondent and two others before the third respondent Police. Thereafter, investigation has been conducted and the respondent Police had laid a final report before the learned Judicial Magistrate No.II, Sivagangai, which had not been taken on file till now. The learned counsel for the petitioner further submitted that the fifth respondent who is working as a School Teacher had involved in fabrication of documents. Despite the registration of FIR and findings of the final report against the fifth respondent, no disciplinary action has been taken by the Department. The petitioner sent representations on 07.11.2023 and 06.03.2024 requesting the authorities to initiate appropriate action against the fifth respondent. Since no action was taken, the petitioner has come before this Court by way of filing this Writ Petition.

3. The petitioner who is a third party had filed this Writ Petition seeking a direction against the superior authority of the fifth respondent to initiate disciplinary action against the fifth respondent in view of some pending litigations between the petitioner and the fifth respondent. It is learnt that the petitioner is the sister of the fifth respondent and there are some disputes between themselves. The petitioner submitted that she has



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already invoked criminal action in which FIR has been filed against the fifth respondent. In such circumstances, it is for the employer to decide at his discretion whether the matter needs any disciplinary action against the fifth respondent or not. If in the discretion of the employer, no disciplinary action is needed to be taken against the fifth respondent, the petitioner cannot compel to subject the fifth respondent under the disciplinary proceedings, since the third respondent is not a privy to the employment contract between the 5th respondent and his employer. Whether any damage is caused to the petitioner during the course of executing the duties of the 5th respondent, service jurisprudence cannot be used as a weapon for settling personal scores of the family members or others with the petitioner, the grievance can be otherwise met, I do not find any merit.

4. In view of the above stated reasons, this Writ Petition stands **dismissed**. No costs.

18.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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WEB COPY **To:**

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R.N.MANJULA, J.

Nsr

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