



W.P.(MD)No.13671 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13671 of 2024

Gowri Sankar

... Petitioner

vs.

1.The Commissioner,
The Madurai Corporation,
Madurai.

2.S.Vinothkumar
The City Health Officer,
Madurai Corporation,
Health Department, Madurai.

3.Jeyalaxmi
Village Health Nurse
Urban Primary Health Centre,
M.K.Puram, Madurai.

4.Malathy

5.Jeyakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to take necessary steps as disciplinary proceedings against illegal alteration in RCH ID 133008903943 at Urban Primary Health Centre by the respondents 2 and 3 within a stipulated time as prescribed by this Court.



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For Petitioner : Mr.S.Moorthy
For Respondents : Mr.P.Anbunidhi,
Standing Counsel
for R1 to R3

ORDER

Heard Mr.S.Moorthy, learned counsel appearing for the petitioner and Mr.P.Anbunidhi, learned Standing Counsel appearing for the respondents 1 to 3.

2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the first respondent to take necessary steps against the respondents 2 and 3 for illegal alteration in RCH ID 133008903943 at Urban Primary Health Centre within a stipulated time.

3. The petitioner who claims to be the husband of the fourth respondent has filed this writ petition seeking direction against the first respondent to initiate disciplinary action against the respondents 2 and 3 on the allegation that the respondents 2 and 3 have colluded with the respondents 4 and 5 and accommodated to change the RCH ID No.



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133008903943 by showing the name of the fifth respondent as the husband of the fourth respondent.

4. It is alleged by the petitioner that the marriage between the petitioner and the fourth respondent has not been dissolved but in force. However, the fourth respondent is said to have proceeded to marry the fifth respondent and claimed the fifth respondent as her husband and managed to change the records including the RCH ID No.133008903943 with the help of the respondents 2 and 3.

5. Obviously, the respondents 2 and 3 are alone the employees of the first respondent. If the petitioner has got any grievance against the fourth respondent for having married the fifth respondent during the subsistence of his marriage with the fourth respondent, then, he has to file a matrimonial case for getting an order of divorce on the ground now alleged by him. The petitioner is not a privy to employment contract with the first respondent and he has got no role to dictate any terms or impose any conditions with regard to the employment related acts of the



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respondents 2 and 3 and the first respondent. So, a third party cannot dictate directions to the public officials for settling his personal scores with the private parties like the respondents 4 and 5. It is within the discretion of the first respondent either to take action or not, against the respondents 2 and 3 by verifying the genuineness of the complaint or the good faith in the action of the respondents 2 and 3 and set his tone for any action. Since no direction can be given to the matter within the discretion and the appreciation of the first respondent, the writ petition is liable to be dismissed.

6. With the above observations, the writ petition is dismissed

No costs.

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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