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W.P.(MD) No.18221 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18221 of 2021

R.Balasubramanian

... Petitioner

-VS-

1.The Director
Directorate of School Education
Chennai

2.The District Collector
Tirunelveli District

3.The District Collector
Tenkasi District

4.The Chief Educational Officer
Tenkasi District

5.The District Educational Officer
Tenkasi District

6.The Zonal Educational Officer
Keelapavur @ Pavurchathiram
Alangulam Taluk
Tenkasi District

7.C.Sarasvathi

... Respondents



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W.P.(MD) No.18221 of 2021

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 3 to 6 to take appropriate departmental action against the seventh respondent by considering the representation of the petitioner dated 06.09.2021, within the time stipulated by this Court.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R6
Mr.D.Venkatesh for R7

ORDER

The petitioner has filed this writ petition for mandamus seeking for a direction to the official respondents to take action against the seventh respondent.

2. According to the petitioner, the seventh respondent borrowed money from him and did not repay the same. It is also the case of the petitioner that cheques were issued by the seventh respondent to the



W.P.(MD) No.18221 of 2021

WEB COPY

petitioner towards repayment of the loan and such cheques were returned dishonoured, for which a criminal complaint has been filed by the petitioner against the seventh respondent, under Section 138 of the Negotiable Instruments Act, 1881 and the said criminal complaint is still pending. According to the petitioner, despite issuance of a non-bailable warrant by the concerned Judicial Magistrate Court against the seventh respondent, till date, the seventh respondent has not taken any steps to get the non-bailable warrant recalled and he has also not paid the dues to the petitioner. Under those circumstances, he seeks for a direction to the official respondents to take action against the seventh respondent.

3. Admittedly, a criminal complaint has been lodged by the petitioner against the seventh respondent in respect of the dishonoured cheques and the said criminal complaint is still pending. The seventh respondent has also not been convicted for the offence alleged to have been committed by her. Unless and until the seventh respondent has been convicted for the offence alleged to have been committed by her, the question of directing the official respondents to initiate action against the seventh respondent, who is a Headmistress, does not arise. There cannot be two



W.P.(MD) No.18221 of 2021

WEB COPY

parallel proceedings for the very same offence. This Court does not find any merit in this writ petition at this juncture, that too admittedly when the seventh respondent is yet to be convicted for the offence alleged to have been committed by her in respect of the dishonoured cheques, which were issued by her to the petitioner towards the alleged repayment of the loan amount.

4. Accordingly, this writ petition is dismissed. No costs.

07.08.2024

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

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To:

- 1.The Director,
Directorate of School Education,
Chennai.
- 2.The District Collector,
Tirunelveli District.
- 3.The District Collector,
Tenkasi District.
- 4.The Chief Educational Officer,
Tenkasi District.

Page 4 of 6



WEB COPY



W.P.(MD) No.18221 of 2021

5.The District Educational Officer,
Tenkasi District.

6.The Zonal Educational Officer,
Keelapavur @ Pavurchathiram,
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W.P.(MD) No.18221 of 2021

ABDUL QUDDHOSE, J.

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W.P.(MD) No.18221 of 2021

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