



W.P.(MD).No.28812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28812 of 2024

J.Esaakku

... Petitioner

-VS-

1. The Secretary to the Government,
Adi Dravidar Tribal Welfare Department,
Chennai.

2. The Director,
Aadi Dravidar Tribal Welfare Department,
Chepauk, Chennai.

3. R.Selva Raj

4. V.Pitchai

5. P.Lalitha

6. A.Sabari Muthu Johnson

7. T.Suresh Babu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to take appropriate action on the petitioner's complaint dated 07.10.2024 as against the respondent Nos.3 to 7 as expeditiously as possible.



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For Petitioner : Mr.R.Anand
For Respondent Nos.1 & 2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a P.G. Assistant teacher seeking a mandamus as against the Respondent Nos.1 and 2 herein to initiate appropriate action as against the private respondents namely Respondent Nos. 3 to 7 on the basis of the complaint dated 07.10.2024.

2. A perusal of the complaint lodged by the writ petitioner dated 07.10.2024 reveals that allegations were made as against the writ petitioner alleging that he had misbehaved with the students. Based upon the complaint lodged by a women student, the petitioner has been transferred from Dindigul to Chennai. However, after enquiry, the petitioner has been exonerated from the charges. Now, the petitioner alleges that only because of the ill-motive of the private respondents namely Respondent Nos.3 to 7, he was transferred from Dindigul to Chennai.



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3. The learned Counsel appearing for the respondents had contended that after enquiry the petitioner was exonerated and he has been transferred back to Trichy District.

4. This Court is of the considered opinion that initiating action as against the any one of the employee is the prerogative of the employer. Therefore, this Court cannot issue a mandamus, especially, where the petitioner represents that due to some private animosity, the Respondent Nos. 3 to 7 have instigated the students to give complaint as against the petitioner. In view of the above said facts, it is for the authorities to consider the complaint and initiate action against the delinquent if they feel so. Therefore, this Court is not inclined to pass any positive orders as against the authorities.

5. With the above said observations, this writ petition stands disposed of. No costs.

03.12.2024

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

gvn

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