



W.P(MD)No.4217 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.4217 of 2025

Vanjimuthu

... Petitioner

vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
(Village Panchayat),
Thoppampatti Union,
Ottanchathiram Taluk,
Dindigul District.

3.Thahira,
The Block Development Officer,
(Village Panchayat),
Thoppampatti Union,
Ottanchathiram Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus directing the first respondent to take

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and appropriate necessary action third respondent and her subordinate officials who are indulged in the criminal activity of swindled the public money to the value of Rs.10 lakhs and above and recover the same from the erred officials based on the petitioner's representation dated 20.01.2025 within the period stipulated by this Court.

For Petitioner : Mr.T.Ramasamy

For RR 1 & 2 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

The petitioner, who has filed this writ petition in the guise of public interest litigation, has sought for initiating action against the third respondent, who is a Government servant. However, on going through the affidavit filed in support of the petition, we are of the view that there is no public interest involved.

2.Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is dispensed with.



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3.In the affidavit filed in support of the present writ petition, the petitioner, who is not an employee of the respondent Village Panchayat, but a resident of Boduvarpatti, Ottanchathiram Taluk, Dindigul District, had sought for an action against a Government servant by sending representation to the official respondents stating that the third respondent colluded with the contractor and swindled the public money.

4.With regard to the prayer sought for in the present writ petition seeking for action to be taken against the third respondent herein is concerned, the petitioner, being a third party, cannot seek for action against the Government servant, since the decision to initiate such proceedings is within the scope and authority of the concerned disciplinary authority and it is not for a third party to invoke Article 226 of the Constitution of India, for the purpose of directing the authorities to initiate/conclude such action.

5.The petitioner, who is a third party, had chosen to send representation to the Government officials seeking for an action against the third respondent. From the representations made, it is seen that the present writ petition



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has been presented, as if to espouse a public cause. Rather, it appears to have been filed with an ulterior motive. The Hon'ble Supreme Court as well as this Court had held that vexatious applications in the guise of public interest litigations should not be entertained. In ***Rajnit Prasad vs., Union of India and others*** reported in (2000) 9 SCC 313, the Hon'ble Supreme Court held thus:-

“8. It is, no doubt, true that the scope of "locus standi" has been widened by this Court through its various decisions and, that too, in the field of Public Interest Litigation where it has been said that Public Interest Litigation can be initiated not only by filing petitions in the High Court or in this Court in a regular manner but also by means of letters and telegrams addressed to the Court. (See : People's Union for Democratic Rights v. Union of India, Bandhua Mukti Morcha v. Union of India, State of Himachal Pradesh v. A Parent of a Student of Medical College, Shimla and Bangalore Medical Trust v. B.S. Muddappa.

9. But a mere busy-body who has no interest cannot invoke the jurisdiction of the Court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person



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who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a Writ Petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for "misconduct" on the part of the employee. This action is taken after a "domestic" enquiry in which the employee is provided an opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of Court.

10.In view of the above, it is not open to the petitioner to challenge the Order of the High Court by which the departmental charge-sheet issued to Dr.U.N. Biswas was quashed. The permission to file the special leave petition is, therefore, refused.”



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6.In view of the decisions rendered by the Hon'ble Supreme Court, the prayer sought for in the writ petition deserves to be dismissed. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
19.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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ORDER MADE IN
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