

WP(MD). No.9983 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :28/01/2025

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

WP(MD). No.9983 of 2024

S.Sivagnanam

... Petitioner

Vs

1. The Chief Secretary to Government,
State of Tamilnadu,
Secretariat Buildings,
St. George Fort,
Chennai - 600 009..

2. The Commissioner,
Directorate of Technical Education,
53, Sardar Vallabai Patel Road,
Guindy,
Chennai - 600 025..

3. The Joint Commissioner (Education),
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Statue,
Nungambakkam,
Chennai -600 034..

4. The Joint Director,
Director of Local Fund Audit,
Combined Official Buildings,
Finance Department,
Nanthanam, Chennai - 600 035..



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5. The Joint Director,
Local Fund and Auditor Department,
Collectorate Buildings,
Dindigul..

6. The Joint Commissioner / Executive Officer,
Arulmigu Thandayuthapani Swamy Temple,
Temple Office (Adivaram),
Palani - 624 601..

7. The Deputy Commissioner / Correspondent,
Arulmigu Palaniandavar Polytechnic College / Arulmigu
Thandayuthapani Swamy Temple,
Temple Office (Adivaram),
Palani - 624 601..

8. Ravindran,
The Superintendent,
Arulmigu Palaniyandavar Polytechnic College,
Palani Town and Taluk,
Dindigul District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents No. 1 - 7 to take appropriate action as against the 8th respondent in accordance with law by considering the petitioner's representation dated 21.10.2022 and 09.04.2024 within a stipulated period as framed by this Court.

For Petitioner : M/s.C.R.Nirmal

For Respondents : Mr.P.Thilak Kumar for R1 to R5
Government Pleader



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Mr.R.Murali for R6&RR7

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the 8th respondent, notice to the 8th respondent is dispensed with.

3. The petitioner, who has filed this writ petition has sought for initiating action against the 8th respondent, who is an employee of the respondent Temple, which is under the aegis of the Government.

4. In the affidavit filed in support of the present writ petition, the petitioner, who is not an employee of the respondent Department, but a devotee of the respondent temple, had sought for an action against a Government servant by sending representations to the official respondents.



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5. With regard to the prayer sought for in the present writ petition seeking for action to be taken against the 8th respondent herein is concerned, the petitioner, being a third party, cannot seek for departmental action against the Government servant, since the decision to initiate such departmental 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.

6. In the case of ***Sudalaikannu Vs., the Secretary, Municipal Administration and Water Supply Department and others (W.P. (MD).No.6734 of 2007)*** vide order dated 23.12.2008, such observation was made by a Coordinate Bench of this Court in the following manner:

“It is seen that the petitioner belongs to a particular political party and he also functioned as a Councilor of the Municipal Corporation. Further, the petition has been filed on frivolous reasons after knowing fully well that action is being taken against respondents-4 to 7. It has been repeatedly held by the Hon'ble Supreme Court as well as by this Court that



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vexatious applications in the guise of public interest litigations should not be entertained. Since the present petition is one of such kind, we hold that the petitioner has no locus standi to file it and the same is liable to be dismissed.”

7. In the instant case also, the petitioner, who is a third party, had chosen to send representations to all the Government officials seeking for an action against the 8th respondent. From the representations made, it is seen that the present writ petition 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



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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 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



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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.

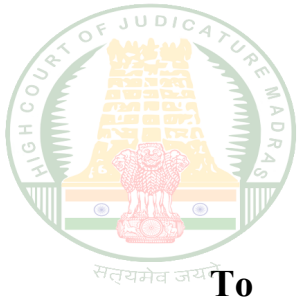
10. In view of the above, it is not open to the petitioner to challenge the Order of the High Court by which the departmental charge-sheet issued to Dr. U.N. Biswas was quashed. The permission to file the special leave petition is, therefore, refused.”

8. In view of the decisions rendered by this Court as well as the Hon'ble Supreme Court, the prayer sought for in the writ petition deserves to be dismissed. Accordingly, the writ petition stands dismissed. No costs.

[M.S.R.,J] [A.D.M.C.,J]
28.01.2025

Index : Yes/No

RR



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