

W.P.Crl.(MD)No.144 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.06.2025

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THE HONOURABLE MS.JUSTICE **R.N.MANJULA**

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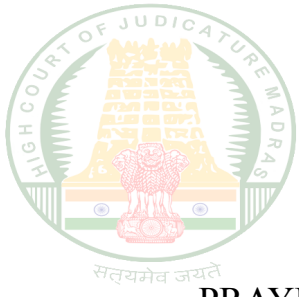
N.Gunasekaran

... Petitioner

Vs

- 1.The Secretary to the Government,
Public Health Department,
Fort St.George,
Chennai.
- 2.The Secretary to the Government,
School Education Department,
Fort St. George,
Chennai.
- 3.The Director of Vigilance and Anti Corruption,
No.293, MKN Road, Alandur,
Chennai.
- 4.The Superintendent of Police,
Central Range,
Vigilance and Anticorruption,
Chennai - 16.
- 5.The Chief Education Officer,
Panagal Building, Anna Salai Road,
Attar Mohalla,
Thanjavur District,
Thanjavur.

... Respondents



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PRAYER :-

This Writ Petition (Criminal) is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the third respondent to conduct enquiry upon the fraud in procurement of the Covid Kit supplied to the Schools of Thanjavur District as represented in the petitioner's representation dated 20.10.2023.

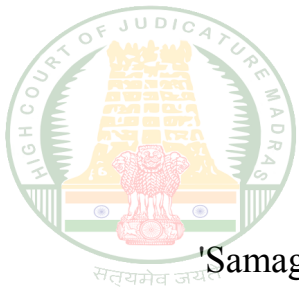
For Appellant : M/s.Chamundi Bose

For R3 and R4 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The Writ Petition has been filed seeking direction against the third respondent to conduct an enquiry upon the alleged fraud in the procurement of Covid-Kit supplied to the Schools at Thanjavur District, by considering the petitioner's representation dated 20.10.2023.

2. The petitioner is a retired teacher from a Government Higher Secondary School in Thanjavur District. It is his submission that during 2020, there is a huge procurement of Covid Kit in the Government Schools in Tamil Nadu. The goods were procured from the school funds also under a



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'Samagra Siksha Financial Management and procurement Manual'. But the Rules stated in the Manual have not been followed and in this a huge fraud has been committed by the persons in charge of the 'Samagra Siksha Financial Management and procurement Manual'. He further alleged that the kits have been purchased for a cost of Rs.20,390/-, eventhough, the same quality and quantity are available in the market for a lesser sum of Rs.6,6200/-. According to his allegation 75% higher cost is involved in the purchase, and this is in order to get unlawful enrichment. The fifth respondent who is the CEO has already been involved in a scam relating to the purchase of lab equipment and in this regard a First Information Report has been registered in Crime No.5 of 2017 dated 21.04. 2017.

3. The very allegation of the petitioner is that the fifth respondent is acting hand in glove and he has already involved in such fraudulent activities with regard to the purchase of lab equipment, he is facing a criminal case and he cannot be expected to make an honest enquiry. A request was made by the petitioner under Right to Information Act to the third respondent seeking to give information as to the status of the enquiry and the complaint sent by him. The third respondent has stated that the complaint has been forwarded to the



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Joint Director of School Education. So the contention of the third respondent is that only after obtaining a report from the School Authorities, he can take further action.

4. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the third respondent attracted the attention of this Court to Section 17(A) of the Prevention of Corruption Act and submitted that the mandates of Section 17(A) cannot be violated. The Government has already issued certain guidelines for dealing the complaints of corruption, through G.O.Ms.No.173, Personnel and Administrative Reforms (N) Department dated 19.12.2018.

5. Now the only grievance of the petitioner is that the matter once reaches to the table of the fifth respondent, he would only sleep over and no further action will be taken.

6. It is learned that the previous FIR has been registered against one Ms.R.Thiruvallarselvi, who continues to hold the charge of the fifth respondent office and it is further learnt that the FIR has been closed and



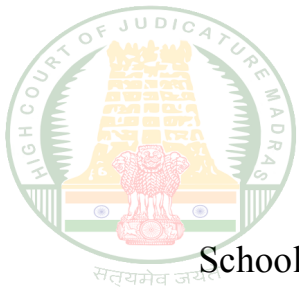
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further action has been dropped. However, departmental action has been initiated against the present incumbent of the fifth respondent office.

7. In such case, there is every reason for the apprehension of the petitioner that the complaint sent to the third respondent and forwarded to the Joint Director, School Education Department, Chennai, might be sent to the fifth respondent office for enquiry. As the fifth respondent has already been involved in such kind of allegation and he had also faced departmental action, it will be fair on the part of the second respondent to appoint an officer in the rank of Joint Director to take up the enquiry.

8. Even in the information furnished to the petitioner, it is seen that the matter has not been entrusted to the fifth respondent. But however, it will be appropriate on the part of the second respondent to ensure that the enquiry is finished within a reasonable time. The delay will frustrate the entire proceedings.

9. In view of the same, this writ petition is disposed by giving direction to the second respondent to prevail over the enquiry officer / Joint Director,



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School Education Department, Chennai and instruct him to complete the enquiry within a period of three months and get the report submitted in order to enable the second respondent to take further action.

10. With the above direction, this writ petition is disposed of. No costs.

16.06.2025

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

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To

- 1.The Principal District and Sessions Judge (Special Judge for PCR Cases)
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
R.S.Mangalam Police Station,
Ramanathapuram District.
(Crime No.160 of 2011).



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