

D. Sathiyam Vs. The Chief Educational Officer, Thiruvarur District, Thiruvarur.

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Court : Chennai Madurai

Decided On : Sep-02-2016

Judge : T. Raja

Appeal No. : W.P (MD).No. 16732 of 2016

Appellant : D. Sathiyam

Respondent : The Chief Educational Officer, Thiruvarur District, Thiruvarur.

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondent herein to consider and pass orders on the petitioners representation dated 11.04.2016 on merits and in accordance with law with a reasonable time as may be fixed by this Court.)

1. D. Sathiyam, who is working as a Driver in the Tamil Nadu State Transport Corporation, has come to this Court seeking issuance of a writ of Mandamus directing the respondent/Chief Educational Officer, Thiruvarur District, Thiruvarur to consider his representation dated 07.04.2016 and to take action against one Bala Nagammal, who is working as a Teacher in Pudur Government Higher Secondary School, near Tirunellikaval, Thiruvarur District and also her brother, namely, Suresh for the reason that the said Bala Nagammal said to have

borrowed Rs.5,00,000/- to secure the present teaching post in the Government School and her brother Suresh also borrowed Rs.2,00,000/- for getting transfer of his employment from Thiruvarur to Periyakulam. Accepting the request of both Bala Nagammal and Suresh, the petitioner said to have given advance Rs.5,00,000/- and Rs.2,00,000/- to both of them. But after receiving the same, they have not returned the same. Thereafter, they made out a case against the petitioner by creating some documents as her husband, as though the petitioner has married the said Bala Nagammal, therefore, a complaint has been given to the Inspector of Police, Periyakulam Police Station, Theni and the same has also been registered as FIR No.736 of 2013 for the offences under Section 294(b), 420, 506(i) IPC. Pursuant to the registration of the complaint, the said Balanagammal also got Anticipatory Bail order from the learned District and Sessions Court, Theni. Citing all these facts, the petitioner has given a representation on 07.04.2016 to the respondent to take action. Till date, no action has been taken. Therefore, he has come to this Court. But this Court is not able to find any merits in this writ petition. The reason is, when a case is registered on the basis of the complaint given by the petitioner, in FIR No.736 of 2015 on the file of the Periyakulam Police Station for the offences under Section 294(b), 420 and 506(i) IPC, it is too early for any one to ask for direction to take action against the said Balanagammal. The petitioner has to wait till the final out come of the criminal case.

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