



W.P(MD)No.18498 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18498 of 2026

and

W.M.P.(MD).No.13683 of 2026

The Management,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
By-Pass Road,
District Collector Office Post,
Dindigul-624 004.

... Petitioner

Vs

1.The Special Joint Commissioner of Labour,
Chennai-6.

2.M.Karthick

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the first respondent pertaining to its proceedings in A.P.No.49 of 2024 dated 05.08.2025 and quash the same.

For Petitioner : Mr.SC.Herold Singh



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For R-1 : Mr.M.Mahaboob Athiff,
Counsel for the State
For R-2 : Mr.S.Arunachalam

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent pertaining to its proceedings in A.P.No.49 of 2024 dated 05.08.2025.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner Corporation would submit that the second respondent was appointed as a Reserve Crew Driver in the year 2016. At the time of his appointment, he produced a 10th Standard mark statement in support of his educational qualification. As part of the verification process, the said mark statement was forwarded to the Joint Director of Government Examinations and the Assistant Director of Government Examinations, Dindigul. Upon verification, the Directorate of Government Examinations, by communication dated 04.09.2023, informed the petitioner that the second respondent had originally secured only 31 marks in English, which



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had been altered as 51 marks and 22 marks in Mathematics, which had been altered as 42 marks in the mark statement produced by him. According to the petitioner, the second respondent had secured employment by producing a fabricated and tampered mark statement.

4. It is further submitted that disciplinary proceedings were initiated against the second respondent. A domestic enquiry was conducted after affording him adequate opportunity, and the charges were held to be proved. Consequently, the second respondent was dismissed from service by order dated 10.12.2024. Simultaneously, the petitioner filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act before the competent authority. However, the Approval Authority rejected the petition on the ground that there was no prima facie material to justify the order of dismissal. Challenging the said order, the present writ petition has been filed.

5. The learned counsel for the petitioner would further contend that though the minimum educational qualification prescribed for the post of Reserve Crew



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Driver is only VIII Standard pass, the issue involved is not one of educational eligibility but one of integrity and honesty. According to him, the second respondent secured employment by producing a tampered public document. The communication issued by the Directorate of Government Examinations itself establishes that the marks had been altered. Such an act amounts to fraud and misconduct, warranting dismissal from service. It is therefore contended that the Approval Authority exceeded its jurisdiction by undertaking a detailed appreciation of the evidence instead of confining itself to the limited question as to whether a prima facie case existed for granting approval. Hence, the impugned order is liable to be set aside.

6. Per contra, the learned counsel appearing for the second respondent would submit that the prescribed qualification for the post is only a pass in VIII Standard and the second respondent admittedly possessed the required qualification. Merely because the marks reflected in the 10th Standard mark statement were subsequently found to have been corrected, it cannot automatically be inferred that the second respondent himself had manipulated or



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fabricated the certificate. The mark statement produced by him was one issued by the competent educational authorities and there is no evidence to establish that he was responsible for the alleged alteration. Therefore, according to the learned counsel, the punishment of dismissal is wholly disproportionate and the Approval Authority has rightly refused approval. He would therefore pray for dismissal of the writ petition.

7. I have considered the submissions made on either side and perused the materials placed on record.

8. This Court has carefully considered the rival submissions and the materials placed on record. The allegation against the second respondent is that he had produced a 10th Standard mark statement containing altered marks at the time of securing employment. The communication received from the Directorate of Government Examinations indicates that the marks found in the certificate produced by the second respondent do not tally with the official records. However, it is also not in dispute that the minimum educational qualification



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prescribed for the post of Reserve Crew Driver is only VIII Standard pass and the second respondent admittedly possessed the requisite qualification for appointment. Except the discrepancy in the mark statement, there is no independent material to conclusively establish that the second respondent himself had fabricated or tampered with the document.

9. The scope of consideration under Section 33(2)(b) of the Industrial Disputes Act is only to ascertain whether a prima facie case has been made out for grant of approval. At the same time, while exercising jurisdiction under Article 226 of the Constitution of India, this Court is also required to examine whether the punishment imposed is proportionate to the misconduct alleged. In the facts of the present case, though the conduct of the second respondent in producing a disputed mark statement cannot be appreciated and certainly disentitles him from claiming any equitable relief such as back wages, the punishment of dismissal from service appears to be disproportionate, particularly when the educational qualification prescribed for the post was only VIII Standard and there is no finding that the second respondent lacked the prescribed qualification.



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10. Having regard to the totality of the circumstances, this Court is of the view that the interests of justice would be adequately served by directing reinstatement of the second respondent into service, while denying him the monetary benefits for the period during which he remained out of employment. Such a course would balance the misconduct attributed to the second respondent with the principle of proportionality governing disciplinary punishment.

11. Accordingly, the writ petition stands dismissed. However, the petitioner Corporation is directed to reinstate the second respondent into service, if not already reinstated, within a period of four weeks from the date of receipt of a copy of this order. The second respondent shall not be entitled to back wages for the period from the date of dismissal till the date of reinstatement. However, the said period shall be treated as continuity of service only for the limited purpose of pensionary and other attendant service benefits, but without any monetary benefits. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
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To
The Special Joint Commissioner of Labour,
Chennai-6.



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M.DHANDAPANI, J.

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