

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05-3-2015
Delivered on: 26-3-2015

CORAM:

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice P.R.SHIVAKUMAR

Writ Petition No.2997 of 2015
and
M.P.Nos.1 and 2 of 2015

G.S.Pushpalatha

... Petitioner

Vs

The Principal District Judge, Disciplinary
Authority for the Judicial Department,
Vellore District, Vellore.

... Respondent

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorari to call for the records in
Dis.No. 6865/2014 dated 25.6.2014 and quash the same.

For Petitioner : Mr.V.Ramamurthy

For Respondent : Mr.R.Tholgappian

O R D E R

V.RAMASUBRAMANIAN,J

The petitioner, who was working as Junior Bailiff in the District
Munsif Court, Arakkonam, has come up with the above writ petition,
challenging an order of penalty of dismissal from service.

2. We have heard Mr.V.Ramamurthy, learned counsel for the
petitioner and Mr.R.Tholgappian, learned counsel appearing for the
respondent.

3. The petitioner was originally appointed as a Masalchi in the Court of District Munsif and was later promoted as Junior Bailiff. On 10.8.2011, she was placed under suspension and a charge memo dated 23.3.2012 was issued. The charge framed against the petitioner was that the petitioner fraudulently impersonated as her sister, used the mark sheet and transfer certificate of her sister and gained employment in the Judicial Department. The petitioner denied the charge. An enquiry followed and the Enquiry Officer submitted a report dated 21.3.2013 holding the charge proved.

4. After furnishing a copy of the enquiry report and giving an opportunity to the petitioner to submit a reply, the respondent passed the order impugned in the writ petition, imposing the penalty of dismissal from service. It is against the said order that the petitioner has come up with the above writ petition.

5. We have perused the entire records relating to the disciplinary proceedings against the petitioner and we have carefully considered the submissions of the learned counsel for the petitioner.

6. It appears that the disciplinary proceedings against the petitioner were triggered by a complaint given on 28.6.2010 by a few individuals describing themselves as the residents of the locality. A preliminary enquiry was conducted by the District Munsif. The District Munsif found that certain allegations made in the complaint against the petitioner were not substantiated. However, he recorded a preliminary finding that the allegations of producing false certificate, impersonation and of gaining employment, appeared to be true. Such a prima facie conclusion was reached by the District Munsif after looking into the family card, voters' list and the certificates produced by the petitioner at the time of appointment.

7. Therefore, a charge memo was issued. In the enquiry, about 32 exhibits were marked and 5 witnesses were examined. The Inspector of Police, Arakkonam Taluk Circle was examined as P.W.5 and his report was taken on record as Ex.P.5. He stated that there were two sisters by name Govindammal and Pushpalatha; that Govindammal dropped out of school while she was in the 7th Standard; that Pushpalatha studied upto 8th Standard; and that the elder sister Govindammal produced the certificates of Pushpalatha and gained employment as Pushpalatha.

8. The Headmaster of the Panchayat Union Elementary School was examined as P.W.3. He stated in his evidence that his school had classes only upto 5th Standard. But, the petitioner had produced a certificate from the school as though she had studied upto 8th

Standard. Therefore, it was clear that the certificate produced by the petitioner was a false certificate.

9. Moreover, the transfer certificate Ex.P.17 contained the signature of a lady by name G.S.Pushpalatha. But, the petitioner admitted during enquiry that she does not know how to sign her name in English. Therefore, the Enquiry Officer, on a cumulative consideration of oral and documentary evidence on record, came to the conclusion that the charge stood proved.

10. We do not find any perversity in the findings of the Enquiry Officer so as to warrant interference. The Disciplinary Authority was satisfied that the appreciation of evidence by the Enquiry Officer was acceptable. Hence, we are of the considered view that the findings do not warrant any interference.

11. Once it is found that the findings are not perverse, it is not possible for us to interfere with the quantum of penalty, in view of the seriousness of the charge. Impersonating someone and gaining employment on the basis of someone else's certificate are serious enough to warrant dismissal from service. There has been no violation of the principles of natural justice or the rules of procedure in the conduct of the enquiry. Therefore, we find no ground to interfere.

12. Mr.V.Ramamurthy, learned counsel for the petitioner contended that the original complainants (residents of the locality) were not examined and that therefore, the allegation of impersonation cannot be taken to have been proved.

13. But, we do not think that there was any necessity to examine the original complainants. The Headmaster of the school had confessed that the school has classes only upto 5th Standard. But, the certificate produced by the petitioner indicates that she studied upto 8th Standard. It contains the signature of a lady in English. But, the petitioner cannot write or sign in English. Therefore, we find no ground to entertain the writ petition.

14. Accordingly, the writ petition is dismissed. No costs. Consequently, the above MPs are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

RS

Sub Assistant Registrar

To

The Principal District Judge,
Disciplinary Authority for the Judicial Department,
Vellore District,
Vellore.

+lcc to Mr.S.V.Ramamurthy, Advocate, S.R.No.17148

W.P.No.2997 of 2015&
MP.Nos.1 & 2 of 2015

TS (CO)
CA(06/04/2015)



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