

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.15172 of 2016

and

WMP.No.13208 of 2016

Rajasekaran

... Petitioner

-Vs-

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The Secretary to the Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-600 009.
3. The Principal,
PSG Krishnammal College for Women,
Peelamedu,
Coimbatore-641 004.
4. The Director of College Education,
E.V.K.Sampath Buildings,
College Road,
Chennai-6.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the fourth respondent to take appropriate action against the third respondent institution for not having complied with the terms of GO (2D) No.108, Adi Dravidar and Tribal Welfare (CV-I) Department of Government of Tamil Nadu dated 12.09.2007 and consequently direct the third respondent to refund the salary and other allowances drawn from the Government of Tamil Nadu against the reserved vacancies for the Scheduled Caste and Scheduled Tribe employees, appointed without verification of the community certificates in terms of the GO (2D) No.108, Adi Dravidar and Tribal Welfare (CV-I) Department of Government of Tamil Nadu.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmughasundar
Government Advocate for R1,2 & 4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner made against the third respondent College is that a number of candidates who have been recruited for teaching post under the reserved category actually do not belong to the reserved category, as the certificates are not genuine.

2. In respect of the aforesaid, reference is made to G.O. (2D) No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007 to contend that mandatorily the procedure prescribed in the Government Order has to be followed for the purposes of verification of the certificates, an aspect not disputed by the learned Government Pleader. However, the learned Government Pleader points out that by a communication dated 03.02.2016, the College has informed the petitioner that all certificates of the appointed staff were submitted to the Joint Director of the Collegiate Education and Bharathiar University for verification and approval and all these appointments made by the College till date have been approved by both.

3. It is trite to say that the problem of fabricated certificates does exist generally, but unless they are identified, no general directions can be issued. In this behalf, we called upon the petitioner to point out any particular candidate and in such case, further verification can be done. In this behalf, the learned counsel for the petitioner has drawn our attention to page 5 of the typed set of papers, where a reference has been made to the selection card sent to one candidate. In the writ petition, there is no specific averment. We must say that if the petitioner alleges a specific candidate, then only the issue of examination of that case would arise and also consequential action against the petitioner if that allegation is found to be false. There cannot be a mere general allegation identifying the particular College based on the so called source information.

4. With the material available on record, we are not satisfied with this case to be entertained as Public Interest Litigation, as it is devoid of particulars.

5. The writ petition is dismissed. No costs. Consequently, WMP.No.13208 of 2016 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The Secretary to the Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-600 009.
3. The Director of College Education,
E.V.K.Sampath Buildings,
College Road,
Chennai-6.

+1cc to the Government Pleader, S.R.No.25873

W.P.No.15172 of 2016

KS(CO)
CA(10/05/2016)

सत्यमेव जयते

WEB COPY