

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2017

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.10510 of 2006

M.Daisy Vedamani

Petitioner

Vs

1.The Director,
Directorate of Teacher Education Research and Training,
College Road, Nungambakkam, Chennai - 6.

2.The Director of Government Examinations,
College Road, Nungambakkam, Chennai -6.

3.The Joint Director of Examinations,
(Higher Secondary), College Road, Nungambakkam,
Chennai - 6.

4.The Joint Director of Examinations,
(Paniyalar) College Road, Nungambakkam, Chennai - 6.

5.The Principal,
District Institute of Education Research and Training
Kumalur, Lalgudi (Taluk) Trichirapalli District.

6.The Principal,
St.Angela's Teacher Training Institute,
Kottapattu, Ponmalaipatti, Trichirapalli - 600 020.

7.The District Elementary Educational Officer,
Pudukottai Road, Trichirapalli - 620 020.

8.The Assistant Elementary Education Officer,
Manikandam (E), Theppakulam,
Trichirapalli - 620 002.

9.The Manager and Correspondent,
St.Joseph's Primary School,
Punganur, Trichirapalli - 600 009.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding in Na.Ka.No.034256/V3-2/2000 dated 16.06.2004 of the Joint Director of Examination (Higher Secondary) Chennai - 6, the 3rd respondent herein and quash the same and to direct the District Elementary Educational Officer, Trichirappalli, the 7th respondent herein to issue suitable order to continue the petitioner as Secondary Grade Assistant Teacher in 9th respondent/St.Joseph's Primary school, Punganur, Tiruchirappalli.

For Petitioner :Mr.K.Thennan

For Respondents :Mrs.M.E.Rani Selvam
Additional Government Pleader
for R1 to R4 and R7, R8

ORDER

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding in Na.Ka.No.034256/V3-2/2000 dated 16.06.2004 of the Joint Director of Examination (Higher Secondary) Chennai - 6, the 3rd respondent herein and quash the same and to direct the District Elementary Educational Officer, Trichirappalli, the 7th respondent herein to issue suitable order to continue the petitioner as Secondary Grade Assistant Teacher in 9th respondent/St.Joseph's

2. The case of the petitioner is that she had passed S.S.L.C in the year 1994 by securing 63% of marks. Thereafter, she joined +2 Higher Secondary Course in March 1996 and she had also passed Higher Secondary Examination by securing (total 619 marks out of 1200) 51.5% marks bearing Certificate No.AB1930644, Registration No.655209, TMR Code No.G126788, dated 27.05.1996. Thereafter, she joined 6th respondent institute viz., St.Angela's Teacher Training Institute, Kottapattu, Ponmalaipatti, (Trichy Town), Trichy, Trichy District, for Diploma in Teacher Training Education based on her 51.5% marks. The eligible marks prescribed for admission to the Teacher Education is only 50% (currently 45% marks), whereas the petitioner secured 51.5% which was made on proper verification and on merits. The said admission in the said training school was approved by the 5th respondent/Director of Teacher Education Research and Training, Chennai. After completion of training, she was permitted to write the examination. Accordingly, she had passed the examination for Diploma in Teacher Training Education (Revised Schemes) in First class, in which a regular certificate was issued by the Director of Government Examinations, Chennai, vide Serial No.DTE 00329025, Register No.9972428, dated 20.09.2000. After passing the Diploma in Teacher Education, the petitioner was appointed as Secondary

Grade Teacher against the permanent vacancy in St.Joseph's Elementary School by a proceedings of the 9th respondent/Executive Committee of the school, dated 12.03.2001 by adopting due process of procedure/Rule/Law.

3. After appointment, all her original certificates were sent to the Director of Examination by the District Elementary Educational Officer, Trichy. After proper verification with the original certificates, the 2nd respondent/Director of Government Examination had issued an originality certificate approving the original certificate in his order in Na.Ka.No.056215/V(4)(5)/2001, dated 12.10.2000.

4. Pursuant to the approval made by the 9th respondent/St.Joseph's Primary School, the petitioner's appointment was sent to the District Elementary Education Officer, vide his Proceedings K.Dis.5277/A2/2001, dated 17.07.2001, on condition to the effect that if any false certificate is found in the certificates produced by the petitioner, the approval of the appointment should be cancelled. Thereafter, the petitioner had joined duty as Secondary Grade Assistant on 27.03.2001 and continued as Secondary Grade Assistant till 09.09.2002 (i.e) till the date of the issuance of the order of dismissal from service vide

Na.Ka.No.034256/V3-2/2000 dated 16.06.2004 by the 7th respondent/ District Elementary Educational Officer.

5. It is the further case of the petitioner that the authority concerned viz., the 4th respondent/Joint Director of Examination (Personnel), has cancelled the petitioner's S.S.L.C. Certificate vide proceedings Na.Ka.No.034256/V2-2/2000, dated 21.03.2006 and the 3rd respondent/Joint Director of Examination has also cancelled the +2 (Higher Secondary Mark Sheet Certificate) vide proceedings Na.Ka.No.034256/V3-2/2000 dated 16.06.2004 and pursuant to the above cancellation, 4th respondent/Joint Director of Examination (Personnel) has cancelled the Secondary Grade Teacher Training Diploma Certificate. Aggrieved by the same, the petitioner has filed the present writ petition.

6. On 03.09.2002, before cancelling all these three certificates, the petitioner was removed from service by order of the 7th respondent/ District Elementary Education, Trichy, which was challenged in W.P.No.11068 of 2006.

7. It is the case of the petitioner that the order of cancelling the Higher Secondary Mark Sheet Certificate (+2) was passed by the 3rd respondent/ Joint Director of Examinations in

Na.Ka.No.3802/A2/2002, dated 03.09.2002, on the ground that the Secondary Grade Teacher Training Diploma Certificate obtained by the petitioner was cancelled. The further case of the petitioner is that the said order of termination dated 03.09.2002 and all other cancellation of S.S.L.C, +2 (Higher Secondary Mark Sheet Certificate) and Secondary Grade Teacher Training Diploma Certificate, have been passed without giving fair opportunity to the petitioner, which amounts to violation of the principles of natural justice. Therefore, she was constrained to file the present writ petition.

8. The counter affidavit has been filed by the respondents in which the respondents stated that the petitioner has obtained certificates viz., S.S.L.C, +2 (Higher Secondary) Mark Sheet Certificate and Secondary Grade Teacher Training Diploma Certificate, which are all bogus certificates and the certificates issued by the St. Angela's Teacher Training Institute, Kottapattu, Ponmalaipatti, (Trichy Town), Trichy, Trichy District. Therefore, the appointment of the petitioner is totally illegal. Therefore, her appointment was cancelled and the other three writ petitions and challenging the cancellation of S.S.L.C, +2 (Higher Secondary Mark Sheet Certificate and Secondary Grade Teacher Training Diploma

Certificate are all well considered order and there is no necessity for this Court to interfere with the said orders.

9. I heard Mr.K.Thennan, learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader, appearing for the respondents 1 to 4, 7 and 8.

10. It is an admitted fact that the petitioner has undergone the course of S.S.L.C, +2 (Higher Secondary Mark Sheet) Certificate and Secondary Grade Teacher Training Diploma Course, after properly studying in the schools and the institutions.

11. Even if the said certificates were obtained fraudulently or bogus certificates were produced, the authority concerned cannot cancel the same without giving any opportunity to the petitioner and that too, there is no whisper about the notice issued to the petitioner or calling for explanation about the production of the said certificates.

12. Time and again, this Court and the Apex Court categorically held that if any order has been passed against any person without giving an opportunity of personal hearing of calling

for explanation, which amounts to violation of principles of natural justice. In the instant case, based on the orders of school certificates and the Diploma Certificate, the 7th respondent has simply passed the order by stating that the petitioner's service was terminated.

13. When the petitioner certificates were about to cancel the District Elementary Education Officer, Trichirapalli, ought to have given fair opportunity to this petitioner by calling for explanation from the petitioner about the cancellation of the said certificates and her appointment in Educational Department and thereafter only, he has to pass appropriate orders. But in this case, the order passed by the District Elementary Education Officer, Trichirapalli, is totally against the principles of natural justice as well as the decisions of this Court and Hon'ble Apex Court.

14. This is the case, the basic educational qualification certificates were cancelled by the authorities concerned. When I gone through the cancellation certificates in all the three, the authority concerned who cancelled the certificates has not applied his mind in a proper manner and not at all verified or enquired the certificates who issued, but in the absence of any material evidence to substantiate the cancellation of the certificates. The very order

passed by the authorities concerned is not proper in manner and against the law.

15. It is also brought to my notice, it is not a case of simplicity of cancellation of appointment of the petitioner, but the very basic qualification certificates were cancelled. Thus, being the case, why the authorities has not applied their minds and not thought it fit the person who issued the certificates should be examined along with this petition. It is absolutely lacking on the part of the parties concerned, who cancelled the certificates.

16. The petitioner obtained the certificates by studying in the school and the institutions. Thus being the case, the cancellation of the certificates is totally against the law and the principles of natural justice. Therefore, it is just and necessary for this Court to interfere with the orders passed by the authorities concerned and accordingly, the impugned order dated 16.06.2004, is set aside.

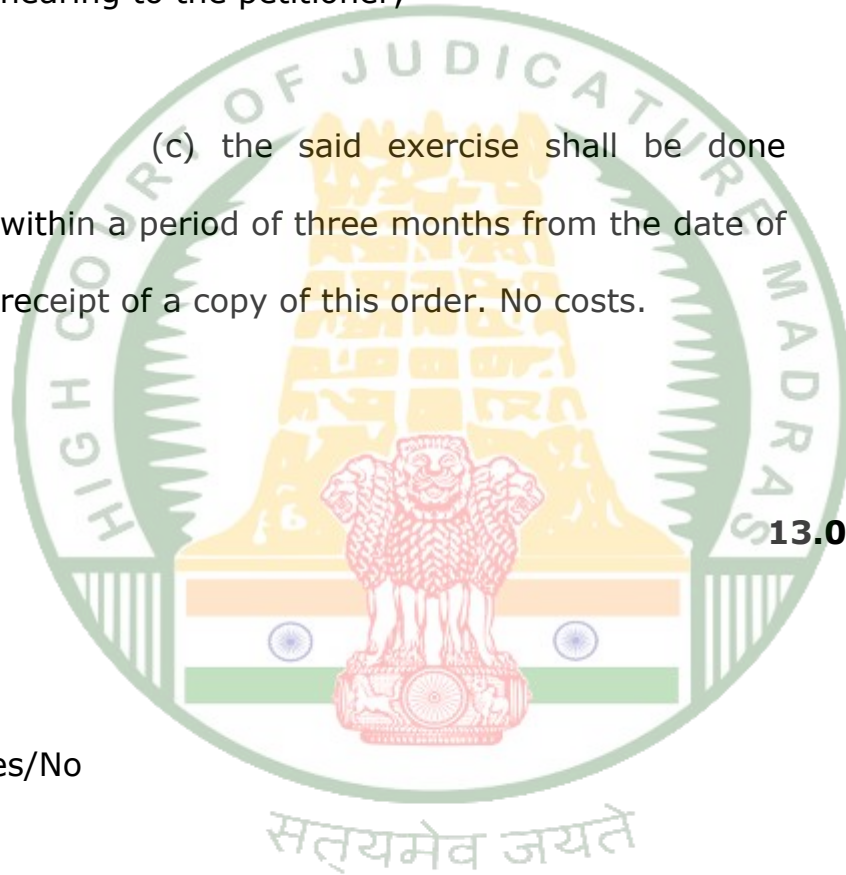
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17. In the result,

(a) The writ petition stands allowed
and the impugned order vide proceedings in
Na.Ka.No.034256/V3-2/2000 dated 16.06.2004,
is hereby set aside;

(b) the matter is remanded back to the authority concerned to pass appropriate orders after affording an opportunity of personal hearing to the petitioner;

(c) the said exercise shall be done within a period of three months from the date of receipt of a copy of this order. No costs.



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Index:yes/No

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M.V.MURALIDARAN, J.

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