

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 10.11.2017****CORAM:****THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR****W.P.No.27020 of 2017**

D. Rajeswari

... Petitioner

-VS-

1.The Principal District Judge,
Kancheepuram,
Chengalpet.2.Mr.J. Kaliamurthy
Enquiry Officer/Family Court Judge,
Chengalpet.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the record relating to the Impugned order dated 22.09.2017 passed by the 1st respondent, quash the same and consequently direct the 2nd respondent to send the disputed Ex.P.5 along with the admitted signature of Mr.K.Sivanantha Jothi, the then Principal District Judge, Chengalpattu, contained in his deposition as D.W.1 and the specimen signatures of the petitioner for comparison and report by the Forensic Department, Chennai.

For Petitioner : Mr.K. Govi Ganesan

For Respondents : Mr. R. Sunil Kumar

ORDER

[Order of the Court was made by **RAJIV SHAKDHER, J.**]

1.This writ petition is directed against the order dated 22.09.2017 passed by the second respondent.

2. Briefly, the issue involved for consideration in the present writ petition is, as to whether or not the view taken by the second respondent that, the petitioner's request for having her admitted signature being compared with the signatures on the service appreciation certificate, marked as Ex.P.5, should be sent for forensic analysis to a Government agency.

3. In order to adjudicate upon the writ petition, the following brief facts need be noticed. At the relevant point of time, the petitioner was working as a Shreshtidar, in the District Court, at Chenglepet. One, retired employee, Ms.S.Banumathi sought a service appreciation certificate.

4. The charge levelled against the petitioner, is that, she forged the signature of the, then, Principal District Judge Mr.K. Sivanantha Jothi (PDJ).

Accordingly, an explanation was sought, to which a response was filed by the petitioner, denying the allegation. Not being satisfied, a charge memo was issued; to which, once again, the petitioner submitted a defence on 09.2.2016. The record shows that enquiry has commenced qua the charge framed against the petitioner and two others. We are told that, the principal charge concerns forgery of signature of the then PDJ in the Service Appreciation Certificate (Ex.P.5).

5. By virtue of the impugned order, the second respondent has taken the view that since the, then, PDJ had been examined and in the course of enquiry he denied having appended signature on Ex.P.5, no purpose would be served in having the relevant document (i.e., the service appreciation certificate, Ex.P.5) being sent to an handwriting expert for analysis.

6. We are also told that, at the time, when, the request was forwarded to the second respondent, the prayer was that, forensic analysis be carried out by a private agency. During the course of hearing, though, the petitioner, she had indicated to the second respondent, that she would be agreeable if the forensic analysis is carried out by a Government agency.

7. Apart from this, a perusal of the impugned order shows that the second respondent has come to the conclusion that the request made by the petitioner of having the signatures on the disputed document (Ex.P.5), compared with the admitted signatures of the petitioner, is a ploy to delay the proceedings.

8. We have heard the learned counsels on the parties and perused the records.

9. According to us, since, the allegation against the petitioner is that she forged the signature of the, then, PDJ she should have the opportunity to advance her defence in the best possible manner, albeit, within the confines of law. Therefore, in our view, there should be no difficulty in having the petitioner's admitted signatures being compared with the signatures appended onto the disputed documents [i.e., service appreciation certificate Ex.P.5]. The handwriting expert will opine as to whether or not, such a forgery could have been committed by the petitioner.

10. Accordingly, the enquiry officer will send the disputed documents i.e., Ex.P.5 along with the signatures of the petitioner found in the official record of Court for comparison to a Government agency.

10.1. Needful will be done within two weeks from the date of receipt of a copy of this order.

10.2. In case, the Government agency seeks payment of any fee for undertaking analysis, the said amount will be recovered from the petitioner.

11. The Writ Petition is disposed of in the aforesaid terms. No costs.

[R.S.A.,J.]

[N.S.K.,J.]

10.11.2017

Index : yes/No
Internet: yes/No
ggs

To

1. The Principal District Judge,
Kancheepuram,
Chengalpet.

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**RAJIV SHAKDHER, J.
AND
N.SATHISH KUMAR, J.**

ggs



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