

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 10.08.2017

CORAM:
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.28934, 28908 and 28909 of 2004

1.R.Tamil Selvi	... Petitioner in WP28934/2004
2.A.Ranganathan	... Petitioner in WP28908/2004
3.K.Vijayakumar	...Petitioner in WP28909/2004

/Vs/

1.The Commissioner, Corporation of Chennai, Chennai.	...1st Respondent in all WPs
2.The Head Master, Corporation of Middle School, Vathiar Kandan Street, Chennai - 600 112.	...2nd Respondent in WP28934/2004
3.The Head Master, Corporation of Middle School, Ranganathapuram, Korukkupet, Chennai - 600 021.	...2nd Respondent in WP28908/2004
4.The Head Master, Corporation of Middle School, M.P.T. Colony - 2, Chennai - 600 081.	...2nd Respondent in WP28909/2004

Common Prayer in all WPs:

Writ Petitions filed under Article 227 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings dated 26.08.2004 of the first respondent in Na.Ka..E3//3100/2004 and quash the same and consequently to direct the respondents to reinstate the petitioners with concomitant monetary benefits.

For Petitioner : M/s K.Dhanjayan
[in all WPs]

For Respondent-1 : Mr.A.Nagarajan (for R1)
[in all WPs]

* * *

COMMON ORDER

These writ petitions were preferred by the petitioner against the order dated 26.8.2004 in Ka.Thu.Na.Ka.No.E3 / 3100/2004 of the Commissioner, Chennai Corporation / 1st respondent.

2. Brief case of the petitioner:

The facts of the case is that the petitioner passed plus 2 examination in the year 1986 and thereafter joined the Diploma in Teacher Education in 1990 and awarded the certificate in the year 1999 and enrolled in the employment exchange. Based on the qualification and registration in the employment exchange the petitioner was appointed by the 1st respondent as a Secondary Grade Teacher on 26.7.1999 and the petitioner was posted to the second respondent school. After proceedings dated 6.4.2000 of the first respondent the petitioner's service was regularized. On 22.6.2004 the first respondent issued show cause notice stating inter alia, that the Diploma in Teacher Education certificate furnished by the petitioner was not a genuine one and further called upon the petitioner to submit his explanation within seven days of the receipt of the show cause notice. Petitioner submitted his explanation and his documents were verified by the respondent and that they were genuine one. The petitioner further sought opportunity for verification / explanation before any further decision is taken. After explanation the respondent issued the impugned order dated 26.8.2004 dismissing the petitioner from the service of the second respondent school.

3. The learned counsel for the petitioner submits that the petitioner was appointed in the year 1999 and the appointment was regularized from proceedings of first respondent dated 6.4.2000. Petitioner testimonials / certificates to the respondents at the time of appointment and the same were verified by the respondents and then only the petitioner was allowed to join. Under these circumstances the dismissal of the petitioner by merely issuing a show cause notice is discriminatory and violative of article 14 of the constitution of India.

4. The learned counsel appearing for the respondent opposed the contentions of the petitioner/accused and sought for dismissal of the writ petition on the ground that the petitioner has produced the certificate from the unrecognised school which is not valid in the eye of law and it is against the Government Orders.

W.P.No. 28909 of 2004

5. This writ petition is preferred by the petitioner against the order dated 26.8.2004 in Ka.Thu.Na.Ka.No.E3/3100/ 2004 of the Commissioner, Chennai Corporation / 1st respondent.

6. Brief case of the petitioner:

The facts of the case is that the petitioner passed plus 2 examination in the year 1986 and thereafter joined the Diploma in Teacher Educated in 1990 and awarded the certificate in the year 1999 and enrolled in the employment exchange. Based on the qualification and registration in the employment exchange the petitioner was appointed by the 1st respondent as a Secondary Grade Teacher on 24.3.1998 and the petitioner was posted to the second respondent school. After proceedings dated 6.4.2000 of the first respondent the petitioner's service was regularized. On 22.6.2004 the first respondent issued show cause notice stating inter alia, that the Diploma in Teacher Education certificate furnished by the petitioner was not a genuine one and further called upon the petitioner to submit his explanation within seven days of the receipt of the show cause notice. Petitioner submitted his explanation and his documents were verified by the respondent and that they were genuine one. The petitioner further sought opportunity for verification / explanation before any further decision is taken. After explanation the respondent issued the impugned order dated 26.8.2004 dismissing the petitioner from the service of the second respondent school.

7. The learned counsel for the petitioner submits that the petitioner was appointed in the year 1998 and the appointment was regularized from proceedings of first respondent dated 6.4.2000. Petitioner testimonials / certificates to the respondents at the time of appointment and the same was verified by the respondents and then only the petitioner was allowed to join. Under these circumstances the dismissal of the petitioner by merely issuing a show cause notice is discriminatory and violative of article 14 of the constitution of India.

8. The learned counsel appearing for the respondent opposed for the contentions and sought for dismissal of the writ petition, on the ground that the petitioner has produced the certificate from the unrecognised school which is not valid in the eye of law and it is against the Government Orders.

W.P.No.28934 of 2004

9. This writ petition is preferred by the petitioner against the order dated 26.8.2004 in Ka.Thu.Na.Ka.No.E3/3100/2004 of the Commissioner, Chennai Corporation / 1st respondent.

10. Brief case of the petitioner:

The facts of the case is that the petitioner passed 10th std examination in the year 1981 and thereafter joined the Diploma in Teacher Educated in 1985 and awarded the certificate in the year 1999 and enrolled in the employment exchange. Based on the qualification and registration in the employment exchange the petitioner was appointed by the 1st respondent as a Secondary

Grade Teacher on 26.7.1999 and the petitioner was posted to the second respondent school. After proceedings dated 6.4.2000 of the first respondent the petitioner's service was regularized. On 22.6.2004 the first respondent issued show cause notice stating inter alia, that the Diploma in Teacher Education certificate furnished by the petitioner was not a genuine one and further called upon the petitioner to submit his explanation within seven days of the receipt of the show cause notice. Petitioner submitted his explanation and his documents were verified by the respondent and that they were genuine one. The petitioner further sought opportunity for verification / explanation before any further decision is taken. After explanation the respondent issued the impugned order dated 26.8.2004 dismissing the petitioner from the service of the second respondent school.

11. The learned counsel for the petitioner submits that the petitioner was appointed in the year 1999 and the appointment was regularized from proceedings of first respondent dated 6.4.2000. Petitioner testimonials / certificates to the respondents at the time of appointment and the same were verified by the respondents and then only the petitioner was allowed to join. Under these circumstances the dismissal of the petitioner by merely issuing a show cause notice is discriminatory and violative of article 14 of the constitution of India.

12. The learned counsel appearing for the respondent opposed for the contentions and sought for dismissal of the writ petition, on the ground that the petitioner has produced the certificate from the unrecognised school which is not valid in the eye of law and it is against the Government Orders.

13. Heard the arguments on either side and perused the entire materials available on record.

14. It is admitted fact that all these three petitioners undergone Diploma in Teacher Education Course in the School. There is no dispute at all that these petitioners were not studied the courses. Because of all these petitioners were studied in the unrecognised schools, they were put in suffer. At the time of appointing the petitioners, the respondents without verified the certificates should not be permit them to join and after several years, now the genuineness of the certificates were verified.

15. It is admitted fact that these petitioners were studied in the unrecognised Teacher Training School. Thus being the case, these petitioners are not entitled to continue in the service, since if the persons like the petitioners were given appointments who were studied in the unrecognised school, then everybody may joined in the services which cannot be permitted. Therefore, the orders of the respondents is dismissing the

petitioners are well considered orders, there is no necessity for the interference of this Court. Hence, these writ petitions are liable to be dismissed.

16.In the result, all these writ petitions are dismissed.
No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs

To

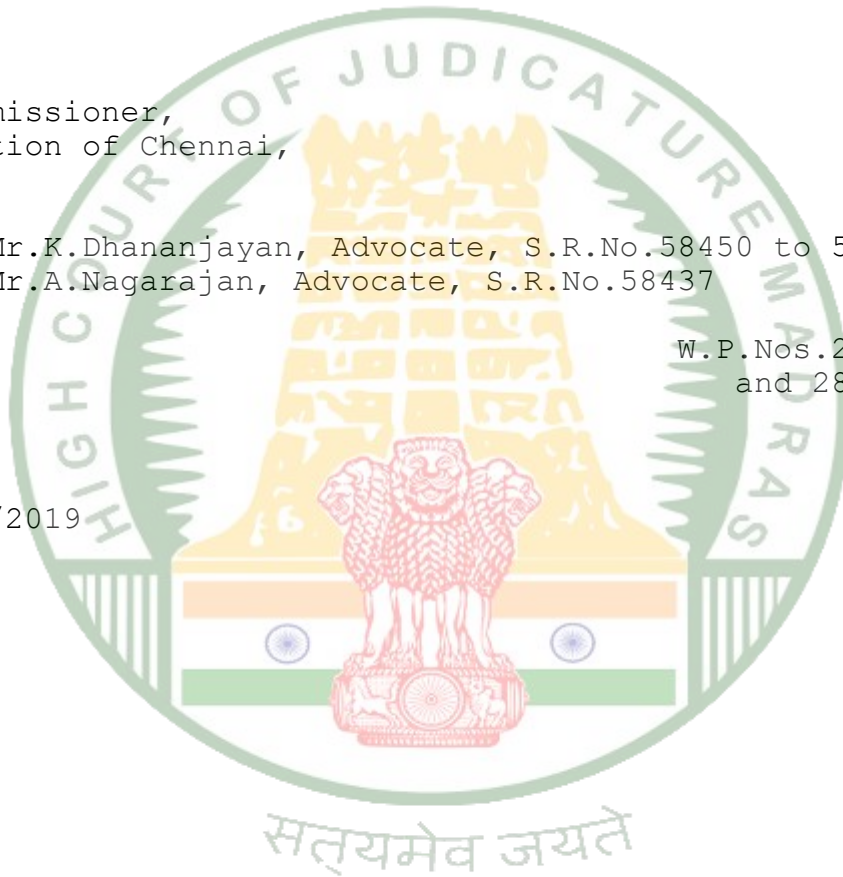
The Commissioner,
Corporation of Chennai,
Chennai.

+3ccs to Mr.K.Dhananjayan, Advocate, S.R.No.58450 to 58452
+3ccs to Mr.A.Nagarajan, Advocate, S.R.No.58437

W.P.Nos.28934, 28908
and 28909 of 2004

KAN(CO)

rrs 21/03/2019



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