

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.774 of 2016
and
W.P.M.P.No.580 of 2016

T.Dhanasekaran

...Petitioner

Versus

1.District Library Officer,
Cuddalore District Library,
Cuddalore-607 001.

2.Director of Public Libraries,
Behind Devanea Pavanar Building,
Anna Salai,
Chennai - 600 002.

3.Joint Director, Controller of Examinations,
Department of School Education,
Chennai.

...Respondents

Prayer:

Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka.No.3966/A2/2015 and quash its order dated 18.11.2015 and direct the 1st respondent to reinstate the petitioner.

For Petitioner : M/s.M.Meenatchi

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

The order of termination simpliciter issued by the first respondent in proceedings dated 18.11.2015, is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that he studied in St. Josephs Higher Secondary School, Manjakuppam, Cuddalore and passed S.S.L.C. from the school. Thereafter, he pursued his Higher Secondary Course in the same school and the certificate was issued in the year 2006, which was signed by the Appropriate Authorities. The petitioner submitted an application for the post of "Assistant at the Village Libraries" and he was selected and appointed as temporary employee under Rule 10 (a) (1). The certificates submitted by the writ petitioner had been sent for verification to the Educational Authorities. The appointment order issued to the writ petitioner in proceedings dated 26.02.2013, unambiguously states that the appointment is temporary and the petitioner cannot claim any priority. Further, it is stated in clear terms that the educational certificates produced must be genuine and the same will be verified by the authorities concerned. If it is found that the educational certificates are bogus, then the employee will be terminated without any notice. Even, in the order of appointment, it is clearly stated that in the event of submitting a bogus educational certificates, the appointment will be cancelled and the services will be terminated. Thus, the writ petitioner had admitted the conditions and joined duty. After joining duty, the certificates submitted by the writ petitioner were sent for verification. On verification, the Educational Authorities submitted a report by stating that the educational certificates produced by the writ petitioner were bogus and not genuine. Accordingly, the impugned order of termination has been passed by the District Library Officer, in proceedings dated 18.11.2015.

3. This Court is of an opinion that the writ petitioner was appointed as temporary Village Librarian under Rule 10 (a) (1). The order of appointment in clear term expresses that in the event of identifying that the certificates produced by the candidate are bogus, then the services will be terminated without any notice. When such a condition was agreed by the writ petitioner, there is no reason to say that the enquiry has not been conducted. The genuinity of the educational certificates were clarified by the Educational Authorities concerned and therefore, there is no reason to believe that the impugned order is in firm.

4. Accordingly, the writ petitioner has failed to make out any valid ground for the purpose of entertaining the prayer as such sought for in this writ petition. Hence, this writ

petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nmm/kak

To

1. The District Library Officer,
Cuddalore District Library,
Cuddalore-607 001.
2. The Director of Public Libraries,
Behind Devanea Pavanar Building,
Anna Salai, Chennai - 600 002.
3. The Joint Director, Controller of Examinations,
Department of School Education,
Chennai.

+1cc to M/s.M.Meenatchi, Advocate, S.R.No.37239
+1cc to Government Pleader, in sr.no.37037

W.P.No.774 of 2016
and
W.P.M.P.No.580 of 20164

NM(CO)
CS/22/06/18

सत्यमेव जयते

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