



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.03.2018
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P (MD) No.13520 of 2011
and
WP (MD) Nos. 2 of 2011 and 1 of 2012

1.N.Kumar
2.M.Saradha
3.M.Rukmani
4.S.Ilamathi
5.C.Sundararajan
6.S.Sekar
7.T.Savitiri
8.C.Muthammal
9.P.Gnanavalli
10.R.Veluchamy
11.P.Chithirai Selvi
12.S.Murugesan
13.M.Rathinam

... Petitioners

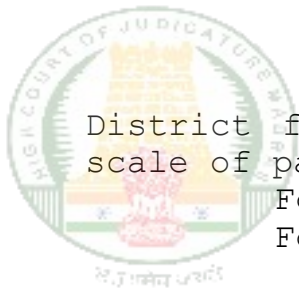
Vs.

1.The State of Tamil Nadu,
Represented by its Commissioner,
Commissionerate for Adi Dravidar and
Tribal Welfare, Chepauk,
Chennai -5.

2.The Welfare Officer,
The District Adi Dravidar Tribal Welfare Office,
Karur District, Karur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the Respondents to regularize the Petitioners as Sweepers in the Government Adi Dravidar Welfare Hostels for Boys and Girls at Karur



District from the date of joining as a Sweeper and fix the time scale of pay within the time stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Muthu,
Additional Government Pleader.

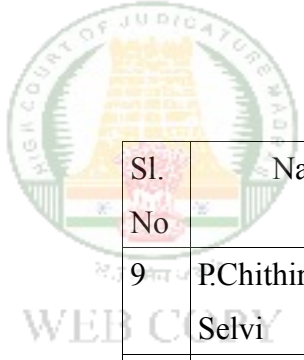
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ORDER

The relief sought for in this writ petition is for a direction to direct the Respondents to regularize the Petitioners as Sweepers in the Government Adi Dravidar Welfare Hostels for Boys and Girls at Karur District.

2.The learned Additional Government Pleader appearing for the respondents states that the writ petitioners are working as Sweepers in various Government Adi Dravidar Welfare Hostels for Boys and Girls at Karur District, under the control of the second respondent. The writ petitioners are continuously serving as such for more than ten years and are receiving consolidated pay. Therefore, they are not entitled to be regularised in the sanctioned posts in regular time scale of pay. At the outset, the learned Counsel for the writ petitioners states that all the petitioners are working as Sweepers in various Government Adi Dravidar Welfare Hostels for Boys and Girls at Karur District, under the control of the second respondent for more than 10 years and the details of the writ petitioner are setout in paragraph 5 of the affidavit filed in support of the writ petition and the same is extracted as here under:

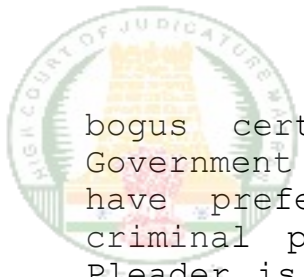
Sl. No	Name	Working Place	Educational Qualification	Joining date	Date of 10 years completion
1	N.Kumar	Government College Boys Hostel, Kulithalai, Karur.	6 th Standard	14.07.2000	13.07.2010
2	V.Saradha	Government College Girls Hostel, Kulithalai, Karur.	12 th Standard fail	09.11.2000	08.11.2010
3	M.Rukmani	Government College Boys Hostel, Tharagampatti, Karur.	Known to read & write	05.11.1999	04.11.2009
4	S.Sekar	Government College Boys Hostel, Karur	9 th Standard	13.03.2000	12.03.2010
5	T.Savithiri	Government College Boys Hostel, Paramathi, Karur	Known to read & write	06.12.1999	05.12.2009
6	K.Muthammal	Government College Boys Hostel, Punnam, Karur	Known to read & write	19.11.1999	18.11.2000
7	P.Ganavalli	Government College Boys Hostel, Esanatham, Karur	Known to read & write	25.08.1999	24.08.2009
8	P.Veluchamy	Government College Boys Hostel, Aravakuichi, Karur	6 th Standard	22.07.1998	21.07.2008



Sl. No	Name	Working Place	Educational Qualification	Joining date	Date of 10 years completion
9	P.Chithirai Selvi	Government College Boys Hostel, Vellianai, Karur	10 th Standard	04.12.1998	03.12.2008
10	S.Ilamathi	Government College Boys Hostel, Krishnarayapuram, Karur	10 th Standard	19.07.2000	18.07.2010
11	C.Murugesan	Government College Boys Hostel, Thanthondrimalai, Karur	Known to read & write	30.08.2000	29.08.2010
12	Rathinam	Government College Boys Hostel, Kulithalai, Karur	Known to read & write	10.02.1999	09.02.2009
13	Sundararajan	Government College Boys Hostel, Kadavur, Karur	9 th Standard	11.2.1998	10.12.2008

3.The writ petitioners state that they were called for to appear before the second respondent on 25.11.2011 in respect of regularisation of appointment. However, they were not regularly absorbed and allowed to continue in temporary service. The learned Additional Government Pleader states that the petitioners were not appointed as Sweepers on either consolidated pay or in contingent basis by the appointing authority. The appointing authority is the District Social Welfare Officer, Karur. However, it is contended that all the writ petitioners had produced bogus certificates, as if, they had served as Sweepers. The service certificates produced by the writ petitioners were not actually issued by the Warden and Matrons of the concerned hostels.

4.The Special Tahsildar (Adi Dravidar Welfare) Kulithalai, Karur District, who is the pay drawing officer of the said hostels has reported in Letter Roc.No.A2/263/2011, dated 02.12.2011 and 25.11.2011 that N.Kumar and 12 others had never worked as Sweepers in Government Adi Dravidar College /hostels in Karur District either in consolidated or contingent basis. It is further submitted that the petitioners have never been appointed as Sweepers in any of the Adi Dravidar Welfare Hostels in Karur District. The petitioners had produced as stenotyped certificates affixing the seals of the Warden/Matrons of the various Adi Dravidar Welfare Hostels in Karur District, stating that they are working as Sweepers for the post for more than 10 years. It is stated that the Special Tahsildar made necessary enquiry with the Wardens/Matrons and the Special Tahsildar and it was revealed that 13 certificates produced by the writ petitioners are bogus and fraudulent nature. The seals and the signatures affixed in the said certificates are also found as bogus. In view of the bogus certificates produced, the interview scheduled to be held on 22.11.2011 and 23.11.2011 were withheld. The learned Additional Government Pleader states that the writ petitioner had committed fraud and produced bogus service certificates, which were not issued by the competent authority. Such



bogus certificates were produced for the purpose of securing Government appointment. Thus, the authorities competent ought to have preferred appropriate Police complaint for initiation of criminal prosecution. However, the learned Additional Government Pleader is unable to say, whether such action was initiated or not?.

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5. At the outset, this Court is of an opinion that the writ petitioners were not appointed by the competent authorities in accordance with the recruitment rules. Thus, the case of the writ petitioners for regularisation or permanent absorption, cannot be considered at all. The legal principles in relation to the regularisation and permanent absorption are now Governed by the legal principles settled in the case of ***the Secretary, State of Karnataka and others .vs. Umadevi(3) and others reported in (2006) 4 Supreme Court Cases 1***. Now all the appointments are to be made by following the prescribed selection process and as per service rules in force. It is brought to the notice of this Court that all the writ petitioners were appointed by the competent authorities and they had submitted bogus certificates and fraudulent certificates for the purpose of securing Government appointment. Thus, it is the duty mandatory on the part of appointing authority to initiate appropriate action against all the persons, who had submitted such bogus service certificates for securing public employment.

6. Under these circumstances, the writ petitioners have not made out any case for grant of regularisation or permanent absorption. The respondents are directed to initiate appropriate action in respect of the production of bogus certificates and fraudulent certificates by the writ petitioners and if any officials were in collusion in this matter, they are also to be prosecuted in accordance with law. Therefore, the 1st respondent, The Commissioner of Adi Dravidar and Tribal Welfare, Chepauk, Chennai-5, is directed to initiate appropriate action in this regard, in respect of all such bogus certificates and fraudulent certificates and involvement of the officials.

7. With the above observation and direction, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/

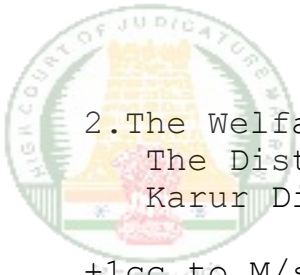
Assistant Registrar(Crl side)

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Sub Assistant Registrar

To

1. The Commissioner,
State of Tamil Nadu,
Commissionerate for Adi Dravidar and
Tribal Welfare, Chepauk,
Chennai -5.



2.The Welfare Officer,
The District Adi Dravidar Tribal Welfare Office,
Karur District, Karur.

+1cc to M/s.Special Government Pleader,SR.No. 56945

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 56514

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