

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2019

CORAM
THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 19818 of 2004
and
W.P.M.P. 23827 of 2004

C.S.I. Girls Primary School,
Arakkonam,
rep. by its Correspondent
U.V.Sigamani

... Petitioner

Vs

1. The District Elementary Educational
Officer,
Vellore, Vellore Dt.
2. The Assistant Elementary Educational
Officer, Arakkonam Range,
Vellore Dt.
3. D.Esther Gnanaselvi,
D/o. Durairaj,
Nehruji Nagar,
(Opp. Pentacost Church),
Arakkonam.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari,
calling for the records relating to the order of the 1st
respondent issued in Na.Ka.No.4957/B2/01, dated 14.11.2003 and
the consequential demand issued by the 2nd respondent in
Na.Ka.No.1049/A5/01, dated 06.04.2004, quash the same.

For Petitioner : Ms.P.Mahalakshmi

For Respondents : Mr.A.Rajaperumal
Addl. Govt. Pleader for R1 & R2

O R D E R

This Writ Petition has been filed challenging the impugned
order of the 1st respondent in Na.Ka.No.4957/2/01, dated
14.11.2003 and the consequential demand issued by the 2nd
respondent in Na.Ka.No.1049/A5/01, dated 06.04.2004 and quash
the same.

2. The case of the petitioner is that the petitioner school is one of the schools established and administered by C.S.I. Madras Diocese, which has established several schools, colleges, hospitals and other institutions. The petitioner has appointed the 3rd respondent after collecting her educational qualification and the same was forwarded to the educational authorities. Thereafter, the respondents educational authorities provisionally approved the appointment with raider, if the certificate is genuine, the appointment will be approved at the later stage by an order dated 17.08.2000 and the same was endorsed by the 2nd respondent. Thereafter, on verification of course completion certificate, the educational authorities found that she has failed. Hence, the educational authorities had passed an order of recovery on 06.04.2004 and directed the Management to remit a sum of Rs. 1,99,322/- towards salary paid to the 3rd respondent. Against which, the present Writ Petition has been filed.

3. Ms.P.Mahalakshmi, learned counsel appearing for the petitioner would submit that the role of management is very limited and whatever the certificates collected from the 3rd respondent was forwarded to the educational authorities and it is the duty of the educational authorities to verify the documents and thereafter, they have to approve the appointment. In the present case, without verifying the documents, the educational authorities have granted aid in favour of 3rd respondent, in which the petitioner is not liable to pay any amount, and the amount, which was already paid to the 3rd respondent cannot be recovered. Accordingly, she prayed to allow the Writ Petition.

4. The learned Addl. Government Pleader appearing for the respondents 1 and 2 would submit that at the time of appointment, the Management has to collect the entire documents and certify that documents are genuine. Based on that, the grant was approved by the respondents 1 and 2. In the present case, the undertaking affidavit was obtained from the 3rd respondent as well as the Management. In that undertaking affidavit, the 3rd respondent has clearly undertakes that if the certificate produced by her is found false, the amount will be repaid on one instalment and the Management also endorsed that affidavit. Accordingly, he prayed to pass appropriate orders.

5. In view of the above, when the management itself has undertaken, approved the undertaking affidavit, and thereafter, they cannot say that without verification, they have simply forwarded the documents to the educational authorities. Hence, the contentions of the Management cannot be accepted. Accordingly, the present Writ Petition stands dismissed. Further, the Writ Petitioner has to pay the amount demanded by the 2nd respondent within a period of eight weeks from the date

of receipt of the copy of this order. No costs. Consequently,
the connected Writ Petition Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rpp

To

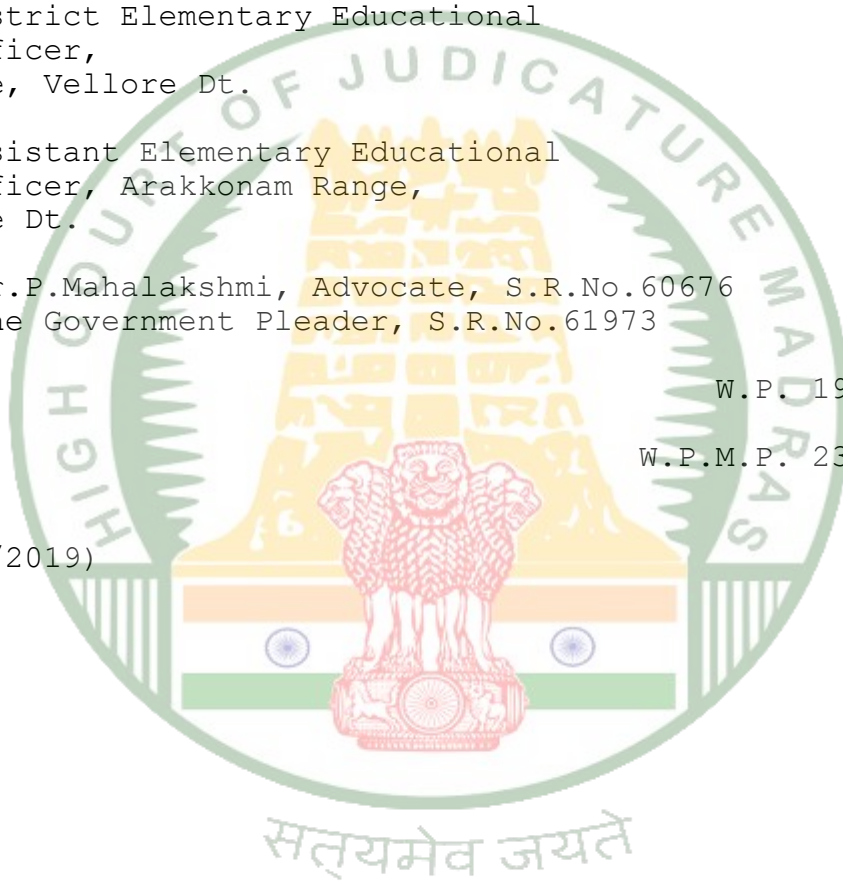
1. The District Elementary Educational
Officer,
Vellore, Vellore Dt.
2. The Assistant Elementary Educational
Officer, Arakkonam Range,
Vellore Dt.

+1cc to Mr.P.Mahalakshmi, Advocate, S.R.No.60676
+1cc to the Government Pleader, S.R.No.61973

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and
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RR(CO)

RRS (30/08/2019)



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