



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.3278 of 2015  
and  
M.P (MD)No.1 of 2015

R.Rose Mary

... Petitioner

Vs.

1.The Chief Regional Manager,  
The Oriental Insurance Co. Ltd.,  
Mayflower Building, 2<sup>nd</sup> Floor,  
No.72, Dr.Balasundaram Road,  
A.T.T.Colony, Coimbatore 641 018.

2.The Manager,  
The Oriental Insurance Co. Ltd.,  
Mayflower Building, 2<sup>nd</sup> Floor,  
No.72, Dr.Balasundaram Road,  
A.T.T.Colony, Coimbatore-641 018.

3.The Senior Branch Manager,  
City Branch office-I,  
Oriental Insurance Co. Ltd.,  
39/40, Workshop Road,  
Saradha Shopping Centre,  
Simmakkal, Madurai-625 001.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in ref.No.CBERO/PERS/CDA/2014-15/01 dated 16.2.2015 served on 24.2.2015 through third respondent quash the same and reinstate the petitioner in service with all attendant and service benefits within a reasonable time as may be fixed by this Hon'ble Court.

For Petitioner : Mrs.Chamundi Bose  
for M/s.Kara Associates

For R1 to R3 : Mr.K.Bhaskaran

**ORDER**

The order of termination dated 16.02.2015 is under challenge in the present writ petition.

WEB COPY

2. The writ petitioner was appointed on compassionate ground to the post of Sub-Staff on 29.01.1998 on account of the death of her husband Late.Sri.Raman, who was employed in the respondent Corporation. On verification of the original transfer certificate issued by the School, the competent authority received a letter from the School Headmaster that the transfer certificate was a fabricated one. Thus, the respondents issued a show cause notice on 02.12.2013 enclosing the articles of charge against the writ petitioner stating that the writ petitioner had submitted a false information as if she possessed the educational qualification of VIII standard as well as the certificate produced by the writ petitioner was fake one. The writ petitioner submitted an explanations and the enquiry was conducted. The Enquiry Officer conducted an enquiry and during the course of the enquiry, the writ petitioner accepted the charges and accordingly, a report was submitted by the Enquiry Officer and based on the enquiry report, the writ petitioner was removed from service by the second respondent through the impugned order, dated 16.02.2015.

3. The learned counsel for the petitioner now stated that there was a mistake in respect of the verification of the transfer certificate submitted by the writ petitioner. On account of mistake committed by the respondents, the Headmaster has given a wrong information regarding genuinity of the certificate issued in favour of the writ petitioner. However, these factors cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. It is an established principles that those disputed facts and circumstances can never be adjudicated in a writ proceedings and such a disputed facts are to be adjudicated with reference to the original documents as well as by adducing evidence, if required. This being the principles to be adopted for the purpose of exercising the powers of judicial review under article 226 of the Constitution of India.

4. This Court is of the considered opinion that if at all any discrepancy in respect of the those documents verified by the respondents, it is left open to the writ petitioner to approach the appellate authority for the purpose of further adjudication. However, those factors cannot be adjudicated in the present case. This being the factum, the writ petitioner is at liberty to approach the appellate authority for the purpose of redressing her grievance in the manner known to law.

5. With these observations, the writ petition stands disposed



W.P(MD)No.3278/2015

of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.K.BHASKARAN, Advocate ( SR-79910[F] dated 06/08/2019 )

+1 CC to M/s.CHAMUNDI BOSE, Advocate ( SR-79824[F] dated 05/08/2019 )

W.P. (MD)No.3278 of 2015  
05.08.2019

am

JMN(16.08.2019) 3P : 3C