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W.P.(MD) No.12930 of 2017, 14763, 14764, 14765,
14766, 14767, 14782, 14783 & 14784 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12930 of 2017

and

W.M.P. (MD) No.10010 of 2017

and

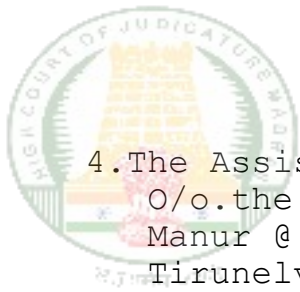
**W.P. (MD) Nos.14763, 14764, 14765, 14766,
14767, 14782, 14783 & 14784 of 2012**

and

M.P. (MD) No.1 of 2012 (in all W.Ps.)

J.R.John Samuel Nallathambi	... Petitioner in W.P.(MD) Nos. 12930/2017 & 14764/2012
J.Nici Sugantham	...Petitioner in W.P.(MD)No.14763/2012
J.Jebarathnam	...Petitioner in W.P.(MD)No.14765/2012
P.Ruby Hena Devi	...Petitioner in W.P.(MD)No.14766/2012
D.Sathia Samuel	...Petitioner in W.P.(MD)No.14767/2012
M.Beulah Pushbam	...Petitioner in W.P.(MD)No.14782/2012
A.Palaniammal	...Petitioner in W.P.(MD)No.14783/2012
P.Paulkani Ponnammal	...Petitioner in W.P.(MD)No.14784/2012
vs.	

- 1.State of Tamil Nadu
rep.by its Principal Secretary
Department of School Education
Fort St.George, Chennai-9
- 2.The Director of School Education
DPI Campus, College Road,
Chennai-6.
- 3.The District Elementary Educational Officer
O/o.the District Educational Officer
S.N.High Road,
Tirunelveli-627 001.



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4.The Assistant Elementary Educational Officer
O/o.the Assistant Elementary Educational Officer
Manur @ Rastha
Tirunelveli District.

... Respondents in W.P.(MD) No.12930/2017

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5.The Director of Elementary Education
Nungambakkam,
Chennai-600 006

6.The District Elementary Educational Officer
Tirunelveli District, S.N.High Road
Tirunelveli-627 001

... Respondents 1 & 2 in W.P.(MD)
Nos.14763, 14764, 14765, 14766,
14767, 14782, 14783 & 14784 of 2012

7.The Additional Assistant Elementary
Educational Officer
Nanguneri Range at Nanguneri
Tirunelveli District

...3rd Respondent in W.P.(MD) No.14763/2012

8.The Assistant Elementary
Educational Officer
Maanur Range at Tirunelveli
S.N.High Road
Tirunelveli District-627 002

...3rd Respondent in W.P.(MD) No.14764 & 14765/2012

9.The Additional Assistant Elementary
Educational Officer
Kadayam Range
Kadayam
Tirunelveli

...3rd Respondent in W.P.(MD) No.14766/2012

10.The Additional Assistant Elementary
Educational Officer
Kalakad Range at Kalakad
Tirunelveli District-627 501

... 3rd Respondent in W.P.(MD) No.14767/2012

11.The Assistant Elementary Educational Officer
Pappakudi Range
(Via) Mukkudal
Tirunelveli District

...3rd Respondent in W.P.(MD) No.14782/2012



W.P.(MD) No.12930 of 2017, 14763, 14764, 14765,
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12.The Assistant Elementary Educational Officer
Kadayanallur Range at Idaikal
Tenkasi Taluk
Tirunelveli District

... 3rd Respondent in W.P.(MD) No.14783/2012

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13.The Additional Assistant Elementary
Educational Officer
Nanguneri Range at Nanguneri
Tirunelveli-627 002

... 3rd Respondent in W.P.(MD) No.14784/2012

PRAYER (in W.P.(MD) No.12930 of 2017): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the Impugned Order in O.Mu.No.400/A.1/2017 dated 27.06.2017 on the file of the Respondent No.4 and quash the same as illegal and consequently for a direction directing the Respondents to provide pension along with all consequential benefits or in the alternative to provide provisional pension within the time period stipulated by this Court.

PRAYER (in W.P.(MD) Nos.14763, 14764, 14765, 14766, 14767, 14782, 14783 & 14784 of 2012): Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to pay the petitioners all the past and future benefits including Annual increments, Selection Grade increments, Special Grade increments, Super Grade increments, Incentive pay and retirement benefits since the petitioners have been receiving so far only the basic pay.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
(in W.P.(MD) Nos.12930/2017, 14764, for M/s.Ajmal Associates
14765, 14767, 14782, 14783 / 2012)

For Petitioner : Mr.P.Velmurugan
(in W.P.(MD) Nos.14763 & 14784/2012)

For Petitioner : Mr.T.Lajapathi Roy
(in W.P.(MD) No.14766/2012)

For Respondents : Mrs.S.Srimathy
(in all W.Ps.) Special Government Pleader

C O M M O N O R D E R

For the sake of convenience, W.P.(MD) No.12930 of 2017 is taken as a lead case.



2. The impugned order, dated 27.06.2017, passed by the Assistant Elementary Educational Officer / fourth respondent, in W.P.(MD) No.12930 of 2017, states that the process of verifying the genuinity of the educational certificate obtained by the writ petitioner from Karnataka Secondary Education Examination Board is pending and therefore, the application submitted by the writ petitioner for settlement of terminal and pensionary benefits cannot be considered. In other words, unless an order is passed in respect of the validity of the educational certificate, the case of the writ petitioner cannot be considered for settlement of terminal and pensionary benefits.

3. The facts in nutshell to be considered are that the writ petitioners obtained Teachers Certificates Higher from Karnataka Secondary Education Examination Board, Bangalore, during the year 1980. It is stated that the certificates issued by the Karnataka Secondary Education Examination Board were duly evaluated by the Director of School Education, Chennai and equivalence was granted on par with the Tamil Nadu Secondary Grade Teacher Training Certificate and the writ petitioners were appointed as Teachers in the Aided Schools. However, during the year 1988, a doubt arose regarding the validity and genuinity of the certificates issued by the Karnataka Secondary Education Examination Board. The similar doubt arose in respect of some other teachers, who obtained certificates from the Karnataka Secondary Education Examination Board. Accordingly, fifteen Teachers, including the writ petitioners, were subjected to further action with an allegation that they have produced forged educational certificates for securing appointment as Teachers in the Aided Schools. The writ petitioners as well as the other persons, against whom actions were initiated, filed writ petitions in W.P.No.11478 of 1988 etc., batch before this Court. The Honourable Division Bench of this Court adjudicated the batch of writ petitions and delivered a Judgment on 14.07.1994. The Honourable Division Bench discussed the issues and passed the following orders:

"10. For the reasons stated above, these writ petitions are allowed in the following terms:

(i) The orders terminating the services of some of the petitioners are quashed.

(ii) The orders suspending the service of some of the petitioners are also quashed.

(iii) The petitioners are granted two months' time to make applications before the Karnataka Secondary Education Examination Board to decide as to whether the Teachers Certificate Higher and the marks cards were issued to him by the said Board and if so whether they were genuine and valid. The Board shall give an opportunity to the petitioners and serve notice on them stating the grounds on the basis of which the board asserts that the



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certificates and the marks cards were not issued by them and are not valid and genuine. It would be then open to the petitioners to put forth their say and to adduce such evidence as they may desire. The Karnataka Secondary Education Examination Board shall decide within three months from the date of the petitioners make applications and intimate the same to the Director of Elementary Education, Tamilnadu. Thereafter, according to the decision communicated by the Karnataka Secondary Education Examination Board, the Director of Elementary Education, Tamil Nadu, shall direct the concerned institutions in which the petitioners are working, to take action in accordance with the and in conformity with the decision communicated by the Karnataka Secondary Education Examination Board and the observations made in this order. If the petitioners do not approach the Karnataka Secondary Education examination Board within two months from today as directed above, it should be open to the Management of the Schools and such other Authorities as are competent, to take disciplinary action against the petitioners to proceed in accordance with law and subject to the observations made in this order, on the basis that the petitioners had failed to produce the order from the Karnataka Secondary Education Examination Board as directed in this order. Each of the petitioners shall intimate the concerned management and the Authorities and produce a copy of the application with an endorsement from the Karnataka Secondary Education Examination Board that he / she has approached the Karnataka Secondary Education Examination Board within two months from today.

(iv) As the petitioners have been continuing in service pursuant to interim Orders, and as the orders dismissing them from service of suspending them have been quashed, the petitioners are entitled to continue until they are removed or dismissed from service in accordance with law. Consequently, it follows that they are also entitled to the pay and emoluments, according to law and the Rules governing their services.

(v) There shall be no order as to costs."

4. The actions initiated against those persons, including the orders of termination and suspension, were quashed by the



Honourable Division Bench of this Court. However, the writ petitioners therein were granted two months time to submit applications before the Karnataka Secondary Education Examination Board, for the purpose of deciding the issue as to whether the Teachers Certificates Higher produced by them were genuine and valid or not. However, the writ petitioners therein were allowed to continue in service, after the orders of the Honourable Division Bench, quashing the orders of termination and suspension. Thereafter also, writ petitions in W.P.No.12935 of 1996 etc., batch were filed by these candidates and challenging the order dated 30.04.2003 passed in the said batch of writ petitions, writ appeals in W.A.Nos.2346 to 2353 of 2003 were filed by these candidates. Relying on the earlier decision of the Honourable Division Bench of this Court, the subsequent Honourable Division Bench had passed orders on 29.04.2004 as follows:

"2. While disposing of the said writ appeal, the Division Bench has issued suitable directions to the parties concerned.

3. By following the directions contained in the said decision, the following directions are issued in the above appeals:

(a) The writ petitioners/appellants are permitted to submit another application enclosing a copy of the application already sent to the fourth respondent Board within a period of one week from today.

(b) The fourth respondent on receipt of the said applications, shall consider the same on merits after giving due opportunity to the writ petitioners/appellants and pass final orders thereon within a period of three months thereafter.

(c) On receipt of the said communication from the fourth respondent, respondents-1, 2 and 3 shall take such action in accordance with law as they may deem it within one month thereafter.

(d) In the meanwhile, the parties are directed to maintain status quo as on date.

(e) The Government should not be liable to pay salary beyond the above period of three months unless within that period an order favourable to the appellants/writ petitioners is produced before the authority.

With the above directions, the writ appeals are disposed of. No costs....."

5. Once again, a writ petition was filed by these persons in W.P.No.26441 of 2004 before this Court. The learned Single Judge of



this Court passed an order, on 25.08.2011, as follows:

"6. Therefore, the respondents 1 and 2 are directed to return the original certificates to the petitioners to enable them to prove the genuineness of the original certificates submitted before the respondents 1 and 2 for getting the appointment as teachers. This Court has already granted an order of injunction in WPMP.No.32197/2004 on 2.11.2004 and in view of the said order having become absolute the said order will continue till the petitioners get the original certificates issued by the Karnataka Secondary Education Examination Board, Malleswaram from the respondents. In any event, the entire exercise should be done within a period of six months from the date of receipt of a copy of this Order."

6. The learned Senior Counsel appearing on behalf of the writ petitioners relying on the above order, dated 25.08.2011, contended that the Director of Elementary Education and the District Elementary Educational Officer, Tirunelveli, were directed to return the original certificates to the writ petitioners enabling them to prove the genuinity of the certificates issued by the Karnataka Secondary Education Examination Board for getting appointment as Teachers. Consequent to the directions issued by this Court to hand over the original certificates, the authorities concerned have not handed over the original certificates to the writ petitioners and therefore, the writ petitioners were not in a position to submit any application seeking the genuinity and validity of their educational certificates obtained from the Karnataka Secondary Education Examination Board.

7. The learned Senior Counsel appearing for the writ petitioners further stated that the writ petitioners were appointed as Teachers in the Aided Schools. The Diploma in Teachers Education obtained from the Karnataka Secondary Education Examination Board was declared as equivalent to the Tamil Nadu Secondary Grade Teacher Training Course and therefore, the writ petitioners must be granted with all terminal and pensionary benefits.

8. The learned Senior Counsel appearing for the writ petitioners further submitted that unless the original certificates are handed over to the writ petitioners, they may not be in a position to submit any application seeking the validity of the certificates from the Karnataka Secondary Education Examination Board. Thus, the Department has committed a fault, for which the writ petitioners cannot be penalized and accordingly, they are entitled to receive the terminal and pensionary benefits as they were retired from service. In view of the fact that no disciplinary proceedings were pending against the writ petitioners during the



relevant point of time, they are entitled for the terminal and retirement benefits. There is no provision under the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 to retain the services of the writ petitioners after retirement. Thus, for all purposes, the writ petitioners are to be treated as retired employees and the terminal and retirement benefits are to be settled.

9. In support of his contentions, the learned Senior Counsel appearing for the writ petitioners placed reliance upon the Judgment of the Honourable Full Bench of this Court in the case of **C.Mathesu v. Secretary to Government**, reported in (2013) 3 MLJ 846, wherein it is held that "if the Government servant has retired on attaining the age of superannuation and subsequently any departmental proceedings is to be initiated against him, in that event, under Rule 9(2)(b) of the Pension Rules, sanction of the Government is required to be taken and the event in respect of which the departmental proceedings are sought to be initiated should not have taken place more than four years before such institution."

10. Relying on the above cited Judgment of the Honourable Full Bench of this Court, the learned Senior Counsel appearing for the writ petitioners contended that though there is no provision under the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 to retain the services of the Teachers working in the Aided schools, the provisions of the Tamil Nadu Pension Rules, 1978 are applicable to them. Therefore, the Department can initiate action only under Rule 9(2)(b) of the Tamil Nadu Pension Rules, 1978, within a period of four years.

11. The learned Senior Counsel appearing for the writ petitioners referred yet another decision of the Honourable Full Bench of this Court in the case of **S.Andiyannan v. The Joint Registrar, Cooperative Societies, Madurai**, reported in 2015 (4) CTC 1, wherein, in paragraph No.30, it is held as follows:

"30. Answer to the First Question referred to this Bench:

Under the Tamil Nadu Cooperative Societies Act, 1983, once an Employee retired from service, there could be no authority vested with the Employer for continuing any Disciplinary proceeding, in the absence of relevant Service Rules permitting the Employer to continue the Disciplinary proceeding. In other words, if there is no Service Rules or Bye-law of the society empowering the Employer to continue the Departmental proceeding, the Employer, would have no authority to continue the Departmental proceeding after the retirement of the Employee."



12. Relying on the above legal principles, the learned Senior Counsel is of the opinion that no departmental disciplinary proceedings were pending against the writ petitioners and therefore, for all purposes, the writ petitioners are to be treated as retired employees and accordingly, terminal and retirement benefits are to be settled to them.

13. The learned Special Government Pleader appearing for the respondents disputed the contentions raised on behalf of the writ petitioners.

14. The learned Special Government Pleader appearing for the respondents made a submission that disciplinary proceedings were initiated against the writ petitioners immediately after their appointment and they were terminated from service. The orders of termination were challenged by the writ petitioners in the year 1988 itself by filing writ petitions. The matter went upto the Honourable Division Bench and the Honourable Division Bench of this Court passed an order on 14.07.1994. Thereafter, the writ petitioners filed another writ petitions and second time also, the matter went upto the Honourable Division Bench and once again, the third round of litigation was continued and by that time, the some of the writ petitioners were attained the age of superannuation and relieved from service. Thus, right from the year 1988, the writ petitioners were continuing in service only on the ground of *lis pendens*.

15. Continuous litigious employment cannot be a ground to grant the relief sought for. Therefore, even the length of services rendered by the writ petitioners covered only under the orders of the Court cannot be a ground to grant the relief. Thus, the arguments of the learned Senior Counsel appearing for the writ petitioners that the writ petitioners were allowed to continue in service is of no avail and cannot have any legal approval.

16. The educational certificates produced by the writ petitioners were questioned as bogus. Immediately actions were initiated by the authorities competent. Suitable directions were issued by the Management of the Aided Schools to initiate action against the writ petitioners. Actions were initiated. Termination orders were issued. However, the orders of termination were quashed by this Court on the technical ground that established procedures were not followed. Thus, another round of litigation was taken forward. Third round of litigation was also moved. Under these circumstances, continuous litigious employment cannot save the allegations regarding the submission of bogus educational certificates by the writ petitioners for the purpose of securing employment as teachers. Thus, the Court has to consider the nature of the allegations raised against the writ petitioners. The nature



of the allegations raised against the writ petitioners was undoubtedly serious in nature and it goes to the very root of the matter. A teacher, who secured appointment by producing bogus educational certificate, can never be excused nor be granted with the relief merely on the ground that they continued in service under the cover of continuous litigious. The nature of the allegations of producing bogus educational certificates for securing appointment to the post of Teacher can never be condoned nor dispensed with. The prolongation and protraction of the litigations cannot be a ground for securing the relief after a lapse of many years. Undoubtedly, the writ petitioners were being paid salary for the period in which they served as Teachers in the Schools. The length of time taken for the conclusion of the litigation resulted in favour of the writ petitioners. They continued in service till the date of superannuation and received salary.

17. The learned Special Government Pleader appearing for the respondents, relying on the typed set of papers filed by the respondents, made a submission that the authorities competent passed an order for initiation of actions. At no point of time, the authorities had condoned the illegal acts of the writ petitioners in submitting bogus educational certificates for securing appointment to the post of Teacher. The rejection orders were passed suitably. The Joint Director of Elementary Education ascertained the validity of the certificates produced by the writ petitioners from the Karnataka Secondary Education Examination Board. The reply sent by the Chairman, Karnataka Secondary Education Examination Board, vide proceedings dated 27.11.1995 reveals that the writ petitioners had submitted bogus certificates. The details regarding the allegations against all the fifteen candidates were enclosed in the annexure to the proceedings and it is appropriate to extract hereunder the entire report submitted by the D.P.I. (Exams) & Chairman, Karnataka Secondary Education Examination Board:

ANNEXURE

*ACTUAL RESULT OF THE CANDIDATES WHO FILED THE WRIT PETITION IN THE
HIGH COURT OF MADRAS.*

Sl. No.	Name of the Candidates	T.C.H. First Year			T.C.H. First Year		
		Reg. No.	Year	Result	Reg.No .	Year	Result
1.	P.HEPZIBAH VASANTHA	646	1979/Oct.	PASS	10117	1980/April	FAIL
2.	A.SAKUNTHAL A RUBAVATHI	22678	1983/Apr.	FAIL	11370	1983/Apr.	FAIL
3.	J.JEBA RATHINAM	13242	1980/April	PASS	12545	1981/April	FAIL



4.	J. GRACE PACKIAVATHY	22580	1983/April	FAIL	11169	1983/April	FAIL
5.	A. JEYAPPAUL MOHAN	6281	1979/Oct.	PASS	9853	1980/April	FAIL
6.	RUBY HENA DEVA	13228	1980/April	PASS	12601	1981/April	NOT APPEAR ED ALL PAPERS (FAIL)
7.	S. HEPZIBA PUSHPARANI	24558	1982/April	PASS	11347	1983/April	FAIL
8.	D. SATHIA SAMUEL	299	1976/Oct.	II CLASS	1933	1979/Oct.	FAIL
9.	J. NICI SUGANTHAM	6486	1979/Oct.	PASS	9956	1980/April	FAIL
10.	M. BEAULA PUSHPAM	5070	1981/Oct.	II CLASS	13008	1982/APRIL	FAIL
11.	I. GNANA PACKIAM	6529	1979/Oct.	FAIL	1989	1979/Oct.	FAIL
12.	J. R. JOHN SAMUEL NALLA THAMBI	13749	1981/APRIL	FAIL	9330	1979/April	FAIL
13.	P. PAULKANI PONNAMMAL	6586	1979/Oct.	PASS	2042	1979/Oct.	ABSENT
14.	A. PALANIAMM AL	554	1981/Oct.	Under Verifi cation	2373	1982/April	FAIL
15.	P. M. RAJAGAN ESH	24324	1982/April	This Reg. No. belong s to Smt. H. D. Visala mba	13706	1983/April	Under Verifi cation

18. The counter affidavit filed by the District Elementary Educational Officer, Tirunelveli, reveals that the original Teachers Certificates Higher issued to the writ petitioners are not with the Department and the same were returned to the writ petitioners immediately on receipt of the writ petition. It is submitted that if



the original certificates are not traceable and found, nothing prevented the writ petitioners from approaching the Karnataka Secondary Education Examination Board to get duplicate copy of the certificates, if they are genuine. But, the writ petitioners have not done so. The Karnataka Secondary Education Examination Board, vide letter dated 28.01.1997, has confirmed that the certificates of the writ petitioners are bogus. Thus, the contention of the writ petitioners that the process of verification of the genuinity of the certificates obtained from Karnataka Secondary Education Examination Board has come to an end is absolutely wrong. If at all the certificates are genuine, the writ petitioners ought to have approached the Karnataka Secondary Education Examination Board for getting duplicate copy of the certificates. Contrarily, the writ petitioners are going on filing writ petitions and blaming the Department by stating that the Department has not returned the certificates and therefore, the writ petitioners are unable to submit applications for the purpose of ascertaining the genuinity of the certificates issued by the Karnataka Secondary Education Examination Board.

19. The learned Special Government Pleader contended that the writ petitioners have produced bogus certificates and continued in service. However, they are not entitled to any relief as their certificates were verified by the Department and the Karnataka Secondary Education Examination Board sent a detailed report stating that the certificates submitted by the writ petitioners were bogus and therefore, the writ petitions are liable to be rejected.

20. This Court is of the opinion that the entire facts and circumstances narrated reveal that the writ petitioners have adopted the tactics of maintaining litigations for many years and continued in service. The judicial delay has resulted in advantage in favour of the petitioners. A Teacher, who got appointment by submitting bogus educational certificates, even as per the report of the competent authority of Karnataka Secondary Education Examination Board, was allowed to serve in the Education Department as Teacher for many years and salary was also paid. Under these circumstances, this Court has no hesitation in arriving at a conclusion that mere litigious continuation in employment cannot be a ground for granting the relief of terminal and pensionary benefits. The continuance of the service of the writ petitioners, even after ascertaining the fact that the certificates were bogus, itself is a concession and for the period, in which the writ petitioners had worked, salary has been disbursed. Thus, no further concession can be shown in respect of the claims set out in the present writ petitions.

21. At this juncture, it is very much important to take note of the Judgment of the Honourable Division Bench of this Court in respect of the same set of facts in W.A.(MD) Nos.901 and 902 of



2013, dated 15.11.2018, wherein, the Honourable Division Bench has dealt with the same issue with regard to the certificate issued by the Karnataka Secondary Education Examination Board. One Ms.Gnana Packiam, one amongst the fifteen candidates, filed a writ petition in W.P.(MD) No.4800 of 2016, which was allowed by the learned Single Judge of this Court on 08.09.2011, against which, the Director of Elementary Education and another filed W.A.(MD) Nos.901 and 902 of 2013 respectively and the Honourable Division Bench considered the grounds raised by the Department and allowed the writ appeals and the relevant portions of the Judgment are extracted hereunder:

"3. The first respondent herein/Writ petitioner submitted a petition to the Karnataka Secondary Education Examination Board on 22.08.1994. The stand of the Writ petitioner is that there was no response from the Karnataka Secondary Education Examination Board. But the Education Department had taken a stand that the Writ petitioner/first respondent herein had passed only the first year and failed in the second year as well as the practical examination. On that basis, the school management once again terminated the first respondent on 25.03.1996. This led to the filing of W.P. No.4704 of 1996. The said writ petition was disposed of by directing the Writ petitioner to submit another application to the Karnataka Secondary Education Examination Board for deciding the genuineness of the certificate. The Karnataka Secondary Education Examination Board was directed to give an opportunity to the Writ petitioner as well as the Education Department and take a decision. Based on the said decision of the Karnataka Secondary Education Examination Board, the school management as well as the educational authorities in Tamil Nadu were to pass appropriate orders. Pursuant to the aforesaid direction, the first respondent herein once again moved the Karnataka Secondary Education Examination Board on 28.03.2005. She also enclosed her earlier representation dated 22.08.1994. The Karnataka Secondary Education Examination Board vide letter dated 19.09.2005, called upon the first respondent herein/Writ petitioner to produce the original statement of marks of the first year and second year examination and also the pass certificate of T.C.H. so that it could take a decision in the



matter.

4. The petitioner's stand was that these documents have been handed over to the Deputy Inspector of Schools of Nanguneri Range, on 29.10.1995. The petitioner also wrote to the Assistant Elementary Education officer, Nanguneri, to hand over those original documents. Since there was no response, the Writ petitioner filed W.P.(MD)No.4800 of 2006 for directing the school management as well as the Education Department to reinstate her in service. Since G.Jeshintha Malarmathi had been appointed in her place, the first respondent wanted her appointment to be terminated. The said Writ petition was allowed by order 08.09.2011. Questioning the same, the Department has filed W.A.(MD)No.901 of 2013. Geshintha Malarmathi, who was appointed as a teacher in the place of the first respondent herein/Writ petitioner filed W.A.(MD)No.902 of 2013.

5. Heard the learned Special Government Pleader appearing for the appellant in W.A.(MD) No.901 of 2013 and the learned counsel appearing for the appellant in W.A.(MD) No.902 of 2013 and the learned counsel appearing for various parties.

6. During the intervening period, the Karnataka Secondary Education Examination Board vide communication dated 06.06.2013 made available the necessary particulars. It could be seen therefrom that the first respondent herein/Writ petitioner did not pass the Teachers' Training Certificate course and that the certificate produced by her at the time of appointment was not genuine. Since it has been convincingly established that the first respondent herein secured appointment by playing fraud, the order impugned in these Writ appeals will have to be necessarily set aside.

7. We are also of the view that the first respondent has really been given a long rope. The first respondent claimed that the Karnataka Secondary Education Examination Board issued her a Teachers' Certificate, after she successfully underwent a course conducted by the Board. The appointment secured by the first respondent herein/Writ petitioner was set aside on the ground that the certificate was not genuine.



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Therefore, the onus lay only on the first respondent to prove the genuineness of the certificate. The learned Judge had proceeded on the premise that the Karnataka Secondary Education Examination Board must give a finding with regard to genuineness of the first respondent's certificate and for that the original records have to be submitted by the first respondent herein. In fact all that the Karnataka Secondary Education Examination Board was required to do was to verify the records available with itself. The Karnataka Secondary Education Examination Board had been engaging itself in a futile correspondence with the first respondent herein. Only when the Karnataka Secondary Education Examination Board verified its records, the truth came to light. Since it has been categorically found that the first respondent did not even pass the second year as well as the practical examination, the order impugned in these Writ appeals will have to be set aside and accordingly, it is set aside.

8. The Writ appeals stand allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed."

22. In view of the above Judgment passed by the Honourable Division Bench of this Court, no further consideration is required in respect of the grounds raised in the present writ petitions, as the certificates submitted by the writ petitioners at the time of securing appointment to the post of Teacher were established as bogus certificates and the Karnataka Secondary Education Examination Board had also submitted a report as discussed in the aforementioned paragraphs stating that the certificates of these fifteen candidates were bogus.

23. This being the factum, the writ petitioners are not entitled for any relief as sought for in the present writ petitions and the earlier continuance of the writ petitioners in service itself was based on *lis pendens* and hence, no further relief can be granted in favour of the writ petitioners. Thus, the order impugned in W.P.(MD) No.12930 of 2017, passed by the fourth respondent in O.Mu.No.400/A.1/2017, dated 27.06.2017, stands confirmed.



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24. Accordingly, all these writ petitions stand dismissed.
No costs. Consequently, connected miscellaneous petitions are
closed.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Principal Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai-6.
- 3.The District Elementary Educational Officer,
O/o.the District Educational Officer,
S.N.High Road, Tirunelveli-627 001.
- 4.The Assistant Elementary Educational Officer,
O/o.the Assistant Elementary Educational Officer,
Manur @ Rastha, Tirunelveli District.
- 5.The Director of Elementary Education,
Nungambakkam, Chennai-600 006.
- 6.The Assistant Elementary
Educational Officer,
Maanur Range at Tirunelveli,
S.N.High Road, Tirunelveli District-627 002.
- 7.The Additional Assistant Elementary
Educational Officer,
Kadayam Range, Kadayam, Tirunelveli.
- 8.The Additional Assistant Elementary
Educational Officer,
Kalakad Range at Kalakad,
Tirunelveli District-627 501.
- 9.The Assistant Elementary Educational Officer,
Pappakudi Range, (Via) Mukkudal,
Tirunelveli District.



W.P.(MD) No.12930 of 2017, 14763, 14764, 14765,
14766, 14767, 14782, 14783 & 14784 of 2012

10.The Assistant Elementary Educational Officer,
Kadayanallur Range at Idaikal,
Tenkasi Taluk,
Tirunelveli District.

11.The Additional Assistant Elementary
Educational Officer,
Nanguneri Range at Nanguneri,
Tirunelveli-627 002.

+6 CC to M/s.AJMAL ASSOCIATES, Advocate SR-80886 to 80891.
+2 CC to Mr.P.Velmurugan, Advocate, SR.No.80611 & 80612.
+1 CC to M/s.Srimathy, Advocate, SR.NO.80544.
+1 CC to Mr.T.Lajapathy Roy, Advoca , SR.No.80878.

W.P. (MD) No.12930 of 2017
and
W.M.P. (MD) No.10010 of 2017
and
W.P. (MD) Nos.14763, 14764, 14765,
14766, 14767, 14782, 14783 & 14784 of
2012
and
M.P. (MD) No.1 of 2012 (in all W.Ps.)
08.08.2019

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