

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

W.P.No.16577 of 2007

T.Narayanasamy

... Petitioner

Vs.

1. The Commissioner of Revenue Administration
Chepauk,
Chennai - 600 005.

2. Revenue Divisional Officer,
Maduranthagam,
Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the second respondent in Na.Ka.N.5727/2001/Aaa dated 28.03.2003 and set aside the same and direct the respondent to reinstate the petitioner as Village Administrative Officer, with all consequential benefits.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh
Special Govt.Pleader

सत्यमेव जयते
O R D E R

The prayer in this writ petition is for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the second respondent in Na.Ka.N.5727/2001/Aaa dated 28.03.2003 and set aside the same and direct the respondent to reinstate the petitioner as Village Administrative Officer, with all consequential benefits

2. It is averred in the petition that the petitioner joined as Village Karnam and acted upto 14.11.1980. Thereafter old system was abolished and new system of appointment of Village Administrative Officer was introduced. As per the direction of the Apex Court, all the erstwhile Village officers were absorbed

provided they are qualified. The screening committee constituted by the Hon'ble Supreme Court considered all the persons and appointed provided they possess the qualification whereas the petitioner has handed over the charge on 14.11.1980 the petitioner was not considered since he is a failed old SSLC candidate. However the Government issued orders enabling the erstwhile Village Administrative Officers to appear for SSLC examination and after getting themselves pass they were also directed to be considered for appointment. Accordingly the petitioner appeared in the new pattern of SSLC in 1984 and passed as a private candidate and was appointed as Village Administrative Officer on 11.08.2000. While he was in service he received a charge memo dated 06.11.2001 calling upon the petitioner to submit explanation on the ground that the certificate given by the petitioner is a bogus one. Though the petitioner submitted his explanation without considering the same based on the report submitted by the Director of School Education the petitioner was terminated from service by order dated 28.03.2003. The respondents have never stated that they have verified with the certificate above score and without verification they cannot say it is bogus. Therefore the charge against the petitioner is not proved and the petitioner has to be reinstated.

3. The learned Special Government Pleader submitted that at the time of appointment the petitioner produced the certificate and the same was sent for verification and later it was found that the petitioner obtained only 22, 17, 24, 16 marks and has not passed 10th standard. Therefore he is not eligible to hold the post of VAO and that he was removed from the service. Therefore there is no merit and the same is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. The petitioner was working as a Karnam in the old system and subsequently after abolishment of old system the persons who have passed SSLC and worked as a Karnam they were considered for the post of VAO. Age relaxation was also already given. Since the petitioner produced the 10th standard pass certificate he was appointed as Village Administrative Officer on 11.08.2000. The mark sheet produced by the petitioner was referred to the Director of Government Examinations by the Collector, Kancheepuram. The Secretary to Director of Government Examination, Chennai in his letter No.335338/V2/2000 dated 20.09.2000 had replied that the mark sheet produced by the petitioner was a bogus one. Subsequently charge memo was served on 06.11.2001 that the certificate produced by the petitioner was a bogus one. The petitioner has scored only 22, 17, 24, 16

marks and this shows that the petitioner has not passed the SSLC. Therefore from the letter sent by the Secretary to Director of Government Examinations, Chennai, Enquiry Officer found that the marksheet produced by the petitioner before the respondents at the time of appointment was bogus. Under such circumstances, it is for the petitioner to prove that the marksheet produced by him is genuine and he had passed the 10th standard. But the petitioner has not proved that it is a genuine marksheet that he had passed 10th standard prescribed qualification for VAO. Therefore, the impugned order passed by the second respondent need not be interfered with as there is no merits.

6. With the above observation the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
2. Revenue Divisional Officer,
Maduranthagam,
Kancheepuram District.

+1cc to the Government Pleader Sr.36953

W.P.No.16577 of 2007

um[col]
srg 11/12/2020

WEB COPY