



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.6176 of 2014

M.Innacimuthu

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep., by the Principal Secretary to the Government,
School Education Department, Secretariat, Chennai-9.
2. The District Collector,
Sivagangai District.
3. The Chief Educational Officer,
Sivagangai District.
4. The President, De la salle brothers,
Boys Town, Pulloothu Post,
Nagamalai Pudhukottai Via,
Madurai District.
5. The Correspondent,
St.James Hr.Sec.School,
Suranam, Sivagangai District.

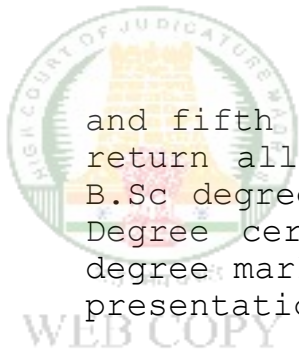
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action against the fourth and fifth respondents and further direct the fourth and fifth respondents to return all the certificates i.e., 10th mark sheet, 12th mark sheet, B.Sc degree provisional certificate, B.Sc degree mark sheets, B.Sc. Degree certificate, B.P.Ed degree provisional certificate, B.P.Ed degree mark sheets, Transfer certificate, National conference paper presentation certificate of the petitioner to him within a stipulated time.

For Petitioner	:	Mr.N.Karthik Kanna
For Respondents	:	Mrs.S.Srimathy
		Special Government Pleader
		for R1 to R3
		No appearance for R4
		Ms.P.Amala for R5

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to take appropriate action against the fourth



and fifth respondents and further direct the respondents 4 and 5 to return all the certificates i.e., 10th mark sheet, 12th mark sheet, B.Sc degree provisional certificate, B.Sc degree mark sheets, B.Sc. Degree certificate, B.P.Ed degree provisional certificate, B.P.Ed degree mark sheets, Transfer certificate, National conference paper presentation certificate of the petitioner to him.

2.The complaint of the writ petitioner is that he was appointed as Physical Education Teacher and at the time of joining in the fifth respondent School, he had submitted all his original certificates. Subsequently, his services were not confirmed and thereafter, he was relieved from the post and now, working in Ulaganathan High School as an approved Teacher.

3.The learned counsel for the petitioner made a submission that at the time of relieving, the original certificates were not returned to the writ petitioner and subsequently, he made representation and there was no response. The petitioner had approached the Chief Educational Officer to initiate action against the fifth respondent for returning of the certificates. The Chief Educational Officer had also not taken any steps and therefore, the writ petitioner was constrained to file the present writ petition.

4.The learned Special Government Pleader appearing on behalf of the department made a submission that the Chief Educational Officer had verified the details and writ petitioner was appointed as a Teacher in some other School and his appointment was approved. At the time of approval of the appointment, the original certificate of the writ petitioner were verified and the letter available in the office of the Chief Educational Officer reveals that the original certificates were verified at the time of grant of approval.

5.The learned counsel appearing on behalf of the fifth respondent also made a submission that the certificates were returned back to the writ petitioner and as of now, no original certificates are kept in the custody of the fifth respondent. At the time of returning back the originals, inadvertently no acknowledgment was obtained from the writ petitioner as he was working only as a temporary Teacher on management salary. The petitioner left the School in view of the fact that the management salary was lesser and subsequently, secured employment in some other School. Thus, the fifth respondent School is not having any original certificates of the writ petitioner.

6.This Court is of the considered opinion that the petitioner, the fifth respondent as well as the department are having different versions. The learned Special Government Pleader informed this Court that the Chief Educational Officer's letter reveals that the originals were verified. However, the learned counsel for the petitioner clarified by stating that some originals are available with the petitioner and with reference to the originals handed over



to the fifth respondent School, duplicate certificates were produced. Thus, there is a factual dispute between the parties. Such complex factual dispute cannot be decided in a writ petition under Article 226 of the Constitution of India.

7.The learned counsel for the petitioner made a submission that the criminal case was also registered against the fifth respondent on 29.12.2013 and legal notice was issued. In spite of complaint, the police has also not taken any action to investigate the matter. However, it is left open to the writ petitioner to pursue his remedy in the manner known to law. As far as the present writ petition is concerned, the complex of facts and circumstances cannot be adjudicated with reference to the original documents and evidences to be produced by the respective parties to establish their case. This being the factum, the relief as such sought for in the present writ petition cannot be granted and it is left open to the writ petitioner to pursue his remedy in the manner known to law.

8.With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1. The Principal Secretary to the Government,
Government of Tamil Nadu,
School Education Department, Secretariat, Chennai-9.
2. The District Collector, Sivagangai District.
3. The Chief Educational Officer, Sivagangai District.

+1 CC to M/s.A.AMALA, Advocate (SR-21556[F] dated 09/11/2020)
+1 CC to the SPL GP (SR-21565[F] dated 09/11/2020)

W.P. (MD) .No.6176 of 2014
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SS (CO)
CS(18.11.2020) 3P 6C