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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.06.2021
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P.(MD)No.15164 of 2019

S.Mariammal ... Petitioner

Vs.

1.The Regional Director (Municipality)
294, Melakkal Main Road,
Kochadai, Madurai.

2.The Municipal Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to record educational qualification of petitioner as 8th Std., in her Service Register.

For Petitioner : Mr.T.Ravichandran
For R2 : Mr.A.Kannan

ORDER

The present writ petition is filed for a direction to the respondents 1 & 2 to record the educational qualification of petitioner as 8th Std., in her Service Register.

2. According to the petitioner, she was appointed as a Sweeper in the second respondent Municipality on 15.11.1996, based on the Medical Certificate produced by her. Her Service Register was opened by the second respondent. The petitioner has completed 8th Standard at that time. For the post of Sweeper, no educational qualification is required and hence, her educational qualification was not recorded in the Service Register. The next avenue of promotion is to the post of Supervisor. For that post, a person must possess educational qualification of pass in 8th standard. Hence, the petitioner has sent a letter, dated 21.02.2013 to the second respondent along with a copy of the Transfer Certificate issued by the School to record her educational qualification in the Service Register. The second respondent directed the petitioner to produce the original Transfer Certificate for verification. On production of original Transfer Certificate by the petitioner, the second respondent verified the genuineness of the same with the Director of School Education, Chennai and the Transfer Certificate produced by the petitioner proved to be

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genuine. In spite of the same and in spite of the repeated requests of the petitioner, the respondents 1 & 2 did not record her educational qualification in the Service Register. Her juniors were promoted to the post of Supervisor and hence, the petitioner has come out with the present writ petition for the relief stated above.

3. The second respondent has filed a counter affidavit. Mr.A.Kannan, learned counsel appearing for the second respondent contended that at the time of appointment, the petitioner did not produce any document to show her age and educational qualification. She produced only a Medical Certificate issued by Dr.S.Lakshmanan, M.D. Genl.D.M.R.D., Civil Surgeon, Government Hospital, Thirumangalam. Based on the Medical Certificate, her age was recorded as 26 as on 15.11.1996. The petitioner has not given any reason for not producing the Transfer Certificate to prove her age and educational qualification at the time of appointment. In the Service Register, her age was recorded as 26 as on 15.11.1996 and whereas, as per the Transfer Certificate now produced by the petitioner, her age is 28 years, 2 months and 20 days as on 15.11.1996. The Medical Certificate produced by the petitioner at the time of her appointment based on which, the petitioner was appointed, cannot be withdrawn and now, her educational qualification cannot be recorded in the Service Register at belated stage and prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent and perused the materials available on record.

5. From the materials on record, it is seen that the petitioner was appointed as Sweeper in the second respondent Municipality on 15.11.1996. The petitioner was appointed based on the Medical Certificate produced by her. Apart from the Medical Certificate, the petitioner did not produce any documents to prove her age and educational qualification with regard to date of birth and educational qualification. The second respondent opened the Service Register for the petitioner and recorded her age as 26 as on 15.11.1996. At that time, the petitioner did not produce any certificate with regard to her date of birth and her educational qualification. Hence, the second respondent recorded her age as '26' based on the Medical Certificate produced by the petitioner and no entry was made with regard to her educational qualification. After 16 years, the petitioner gave a letter, dated 26.02.2013 to record her educational qualification as 8th Standard, by enclosing a copy of the Transfer Certificate. According to the petitioner, at the request of the second respondent, she produced original Transfer Certificate and on

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verification, the same was proved to be genuine. The grievance of the petitioner is that in spite of the genuiness of Transfer Certificate, her educational qualification is not recorded in the Service Register and therefore, she is not getting promotion as Supervisor. The second respondent in the counter affidavit has stated that the petitioner has not explained the reason for not producing the Transfer Certificate at the time of appointment and also there is a delay of 16 years in producing the said Transfer Certificate. If there is any error in the Service Register opened, the employee has an opportunity to get the same corrected within a reasonable time. Further, as rightly pointed out by the learned counsel appearing for the second respondent that there is a difference in the age mentioned in the Medical Certificate and the date of birth mentioned in the Transfer Certificate. The petitioner having failed to produce the Transfer Certificate, which was in her possession at the time of appointment. The petitioner has not given any reason for not producing the same at the time of appointment in the year 1996 or within a reasonable time from 1996.

6. For the above reason, the petitioner is not entitled for the relief sought for in the present writ petition. Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

+1 CC to MR.A.KANNAN, Advocate (SR-20636[F] dated 30/06/2021)

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