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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on	Orders Pronounced on
7.01.2022	11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14471 of 2012

Murugammal

... Petitioner

Vs.

The Joint Director of Health Services,
Krishnagiri District,
Krishnagiri.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the impugned order in Ref.No.1204/ Ni.2/2008 dated 26.4.2011 to quash the said order and to issue consequential direction to the respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.P.Anandakumar, G.A.

O R D E R

The petitioner was appointed as hospital worker in the District Headquarters hospital, Krishnagiri on a consolidated monthly pay of Rs.2000/- as per Pro.Na.Ka.No.1204/N1.2/2008 dated 27.2.2009. After completion of two years of service on 8.3.2011 in the said post, the petitioner made request to regularise the service of the petitioner by appointing her in the regular post in the scale of pay of Rs.4800 - 10,000 with category pay of Rs.1300/- with effect from 9.3.2011. At this stage, the respondent passed the impugned order dated 26.4.2011 removing the petitioner from service on the ground that the certificates of educational qualification produced by the petitioner at the time of appointment is found to be bogus and



not genuine by the District Educational Officer.

2. According to the petitioner, no notice was given to the petitioner before passing the impugned order. Challenging the said order, the petitioner has filed the present writ petition before this Court.

3. Counter affidavit has been filed by the respondent wherein it is stated that the School certificate produced by the petitioner to the respondent was sent to the District Educational Officer, Krishnagiri for verification. In response to the said communication, it was informed by the District Educational Officer, Krishnagiri that the School certificate produced by the petitioner Murugammal is not genuine by letter in ref.No.1204/E2/2008 dated 25.1.2011. On verification, it was found that the petitioner did not complete VII standard and discontinued her studies on 6.10.1989 as per school certificate produced by her during appointment vide transfer certificate issued by the Head Master of Govt. High School, Kodamandapatti, Dharmapuri District. The aforesaid School certificate was sent to District Educational Officer, Krishnagiri for verification. Further, it is stated that the petitioner was appointed on temporary basis vide office letter ref.No.1204/E2/2008 dated 27.2.2009 on the file of Joint Director of Health Services, Krishnagiri and as per guidelines issued in G.O.Ms.No.190 P & AR, Department, dated 9.6.1995, she was removed from service without any prior notice. Hence, there is no irregularities or illegality in the order passed by the respondent.

4. Heard the rival submissions of the parties and perused the materials available on record.

5. The petitioner has produced her School certificate that she passed VIII Standard and the said certificate was sent to the District Educational Officer, Krishnagiri. On verification, the educational authorities found that the School certificate produced by her is not genuine and the same was communicated to the respondent. The petitioner was appointed on temporary basis in the respondent department, she was removed from service on 26.4.2011 by the Joint Director of Health Services, vide order in ref.No.1204/E2/2008, dated 26.4.2011, on receipt of report from the educational authorities. However, the petitioner has not challenged the proceedings of the educational authorities nor impleaded them as parties in the writ petition. Since the petitioner was appointed only on temporary basis in the respondent department, based on the report of the educational authorities, the respondent has rightly passed the impugned order against the petitioner. Further, the educational authorities have not been arrayed as parties in the writ petition challenging the proceedings of the



educational authorities. Therefore, there is no irregularity or illegality in the order passed by the respondent.

Consequently, the writ petition is dismissed. No costs.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

The Joint Director of Health Services,
Krishnagiri District,
Krishnagiri.

+1cc to the Government Pleader, S.R.No.2751

Pre-Delivery Order in
W.P.No.14471 of 2012

BP (CO)
SU (10/02/2022)