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W.P.No.5502 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5502 of 2019
and
W.M.P.No.6252 of 2019

N.Chitra

... Petitioner

Vs.

1.The Director of Public Health and
Preventive Medicine,
DMS Campus, Teynampet,
Chennai – 600 006.

2.The Deputy Director of Health Services,
Tiruvarur District,
Tiruvarur.

3.The Medical Officer
Urban Primary Health Centre
Thiruthuraipoondi
Tiruvarur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, by calling for the records pertaining to Na.Ka.No.5927/A2/2018 dated 11.01.2019 on the file of the 2nd respondent and to quash the same.



For Petitioner : Mr.K.M.Subramanian
For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

The punishment of removal from service imposed on the petitioner is under challenge in the present writ petition.

2. The petitioner was appointed as Multi-purpose Hospital Worker at Thiruthuraipoondi Urban Primary Health Centre on 21.01.2016. She was appointed under Special quota for Differently-abled candidates. The petitioner states that after verifying the Disability certificate, she was considered for appointment. Her husband Mr.R.Dakshinamurthy was also employed in Medical Department as Ambulance Driver.

3. The petitioner states that on account of certain irregularities committed by the Doctors working in the Hospital, she was unnecessarily made to suffer and based on the false complaint, action was initiated regarding genuinity of disability certificate and subsequently, she was dismissed from service.



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4. The respondents filed a counter affidavit stating that the petitioner was appointed on temporary basis as Multi-purpose Hospital Worker on consolidated pay salary fixed by the District Collector, Thiruvavur. Thus, the appointment of the writ petitioner was purely temporary and as per the Government order the temporary consolidated pay employee may be terminated at any time without assigning any reason.

5. The respondents have stated that the petitioner was appointed as Multi-purpose Hospital Worker on temporary basis under the quota allotted to Differently-abled candidates. However, the authorities found that the disabled certificate produced by the petitioner, stating that she suffers the disability of 40% is false. The petitioner had suppressed the fact that the disability is only 27.5% . For the disability of 27.5%, employment under the disability quota will not be given as per the Government orders. The signature of the Medical Officer found in the medical certificate produced by the petitioner was not the signature of the concerned Medical Officer, which was verified by the Department.



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6. The husband of the writ petitioner Mr.Dkshinamurthy, employed as ambulance driver. Both the petitioner and her husband have secured the Government job by cheating the Government and by producing fake disability certificates. Both their certificates were found to be bogus and on verification with the Doctors, who issued such certificates, the Department came to know that the said certificates were not issued by the said Doctor and it was forged certificate in order to escape from the clutches of the departmental disciplinary proceedings and to divert the attention on the enquiry about fake certificates given by the petitioner and her husband, the petitioner lodged a false sexual harassment complaints against the Doctors and on enquiry, the complaint was disproved by the Visaka Committee. The complaint lodged was also false. Both the petitioner and her husband secured false disability certificate and an enquiry was conducted in this regard and the authorities have found that they have submitted false disability certificates and secured Government appointments.

7. The petitioner was appointed based on G.O.Ms.No.325 MN Department (F2) dated 20.11.2012 to the post of Multi-purpose Hospital Worker on temporary basis on consolidated pay salary. The petitioner



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secured appointment by producing false disability certificate and therefore, the authorities after conducting enquiry issued the order termination. Thus, the writ petition is to be rejected.

8. The order of appointment issued to the petitioner in proceedings dated 21.01.2016 reveals that the petitioner was appointed as temporary contract basis for a period of one year. The order of appointment states that the appointment is temporary and without any notice or reason, she is liable to be removed from the service. In the context of the appointment, the authorities subsequently found that both the petitioner and her husband submitted the false disability certificate and secured the Government appointment. The authorities competent verified the genuinity of the certificates with the signature and the address found in the certificate and on enquiry, the Department found that no such disability certificate was issued by the Doctors. Thus, the order of termination was issued.

9. In view of the facts and circumstances, this Court do not find any infirmity in respect of the order impugned passed by the 2nd respondent.



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10. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

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S.M.SUBRAMANIAM, J.

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