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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 5719 of 2020

and

W.M.P.No. 6677 of 2020

D.S. Dhanaraj

...Petitioner

Vs.

1. The Principal Secretary to Government,
Backward Classes, MBC and Minorities
Welare Department,
Secretariat, Chennai - 9
2. The Director,
Backward Classes Department,
Chepauk, Chennai - 5
3. The District Backward Classes and MBC
Minority Welfare Officer, Kanchipuram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records relating to the third respondent vide proceedings No.Na.Ka.W1/18533/2018 dated 31.01.2020 and to quash the same and consequently direct the respondents to reinstate the petitioner in service.

For Petitioner : Mr. S. Vijayakumar

For Respondents : Mr. M. Bindran,
Additional Government Pleader

ORDER

The writ petition is filed for the issuance of a writ of certiorarified mandamus, calling for the records relating to the third respondent vide proceedings No.Na.Ka.W1/18533/2018 dated 31.01.2020 and to quash the same and consequently direct the respondents to reinstate the petitioner in service

2. According to the petitioner, he studied DTE/Diploma in Teachers Training Course in Bhartiya Shiksha Parishad,



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Uttarpradesh in the year 2000-2022. On 26.07.2010, based on the aforesaid Diploma course, he joined in the backward class Department as Secondary Grade Warden, Government Boys Hostel, Kanchipuram. Thereafter, based on the anonymous complaint, the respondent has initiated action against the petitioner by disputing the genuineness of the diploma certificate.

3. According to the petitioner, on 31.01.2020, he was placed under suspension by the respondent department on the assumption that the certificate of the petitioner is not genuine and charges have been framed under 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Hence, the instant writ petition was filed before this court.

4. Pending suspension order, the respondent has appointed an enquiry officer and the petitioner has appeared for the enquiry before the enquiry officer and based on the relevant documents, the enquiry officer has submitted a report before the respondent department. Further, the respondent has also forwarded the said complaint to the police and police has communicated to the Bhartiya Shiksha Parishad, Uttarpradesh to verify the genuineness of certificate of the petitioner.

5. The learned counsel for the petitioner submitted that the aforesaid enquiry officer report is also enclosed in the additional typed set of papers, wherein it has been stated that the charges leveled against the petitioner has not been proved. Further, Bhartiya Shiksha Parishad, Uttar Pradesh, where the petitioner was studying, has sent a letter dated 07.02.2020 to the petitioner with regard to the genuineness of the certificate of the petitioner, after verification of the marksheet and certificate, which is extracted hereinbelow:

'Dear Mr. D.S. Dhanaraj,

With reference to your letter dated 07.02.2020, it is inform you that as per record of parished D.S. Dhanaraj S/O Mr. M. Sarangapani has completed his Diploma in teachers Education (D.T.E.) at our recognized institute Indira Gandhi Teacher Training College, Bangalore in the year 2000-02 with Enroll. No. C-2274/00 and Roll No. 000295.

Marksheet issued to D.S. Dhanaraj is correct and genuine.'

6. Based on the aforesaid letter sent by the Bhartiya Shiksha Parishad, Uttar Pradesh, the petitioner has made a representation dated 13.02.2020 to the respondents to revoke the



suspension order and the respondents have not chosen to consider the same for revocation of suspension.

7. Counter affidavit filed by the respondent in the year of 2022. Further the enquiry officer report as well as genuineness of the certificate received by the concerned college has been enclosed in the additional typed set of papers filed by the petitioner. In view of the aforesaid events taken place, the petitioner is directed to submit additional particulars to the second respondent within a period of one week from the date of receipt of a copy of this order. Therefore, based on the additional particulars and the said report, this court is of the view that the second respondent has to consider the representation of the petitioner dated 13.02.2020 taking into account the above records and to pass appropriate orders, in accordance with law, as expeditiously as possible within a period of six weeks thereafter.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Principal Secretary to Government,
Backward Classes, MBC and Minorities
Welare Department,
Secretariat, Chennai - 9
2. The Director,
Backward Classes Department,
Chepauk, Chennai - 5
3. The District Backward Classes and
MBC Minority Welfare Officer, Kanchipuram.

+1cc to Mr. S. Vijayakumar, Advocate, S.R.No.26502

+1cc to the Government Pleader, S.R.No. 26957

W.P. No. 5719 of 2020
and

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NMI[co]

NSK 10/05/2022