



W.P.No.6293 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6293 of 2017
and
W.M.P.No.6782 of 2017

P.Koman

... Petitioner

Vs.

1.The Director General,
Central Reserve Police Force,
C.G.O. Complex,
Lodhi Road,
New Delhi.

2.The Commandant 230 Bn,
Bacheli Police Station,
Group Centre, CRPF,
Dantewada,
Chhattisgarh.

3.The Deputy Inspector General of Police,
C.R.P.F.,
Avadi,
Chennai – 600 065.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in No.P.VIII-1/2016-230-EC-11 and quash the



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Impugned order dated 18.07.2016 as highly illegal and further for a direction, directing the 1st respondent to pay the Pensionary Benefits which are due to the petitioner as it is detained by the respondents without any authority of law.

For Petitioner	: Mrs.R.Meenakshi
For Respondents	: Mr.S.Muthusamy Central Government Standing Counsel

ORDER

The punishment of removal from service is sought to be quashed in the present writ petition.

2. The petitioner states that he was appointed as Constable CT (GD) in the Central Reserve Police Force (CRPF) on 25.09.1992. He was posted in several places and served for about 24 years. The brother of the writ petitioner submitted a complaint on account of family dispute against the writ petitioner by stating that he joined the CRPF by submitting a bogus certificate. Based on the complaint, the authorities competent verified the genuinity of the certificate and found that there was some discrepancy in the mark sheet submitted by the writ petitioner. Accordingly, a charge memo was



issued and the following charge is framed.

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“ARTICLE – I

That the said No.921161413 HC/GD P.Koman of E/230 Bn, CRPF, while functioning as HC/GD in this unit is observed to have committed an act of misconduct in his capacity as member of the Force punishable Under Section 11(1) of the CRPF Act, 1949, in that he produced fake education certificate at the time of appointment in CRPF for the post of CT/GD which is prejudicial to good order and discipline of the Force.”

3. The copy of the complaint and all other proceedings are listed as documents in the charge memo. There is no infirmity in the charge memo issued to the writ petitioner. The petitioner submitted his explanations and not satisfied with the said explanation, an Enquiry Officer was appointed, who in turn conducted an enquiry and submitted his report. The findings of the Enquiry Officer were accepted by the Disciplinary Authority and after affording opportunity to submit his objections, the Disciplinary Authority imposed a penalty of removal from service.

4. The learned counsel for the petitioner states that thrice the certificate



was sent for verification and at one point of time, the Joint Director of School Education issued a letter stating that the certificate was genuine. The said fact was accepted by the respondents in their counter affidavit. Therefore, the punishment of removal is excessive and liable to be set aside.

5. The learned counsel for the petitioner further contended that the petitioner was allowed to serve for longer period and punishment of removal at this length of service would affect his livelihood and the authorities have not considered these issues and imposed the major penalty of removal from service.

6. The learned Central Government Standing Counsel for the respondents objected the said contentions by stating that the due verification was done in respect of the certificate produced by the writ petitioner for securing appointment in the CRPF. The complaint was given by none other than his own brother, who is serving in Border Security Force (BSF). Based on the complaint Group Centre, CRPF, Avadi referred the case to the Regional Officer, Central Board of Secondary Education, Anna Nagar (West), Chennai for verification of correctness of Educational certificates



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submitted by the writ petitioner. In reply, the Joint Director (Personnel), the Directorate of Government Examination, Chennai vide letter R.C.No.067395/V5/5/2010 dated 26.07.2013 intimated that as per their records, the marks shown in the certificate with R/No.555054/April'1990 does not tally and as such, the above mark sheet / certificate produced by the candidate is not genuine and he had not passed in English and History & Geography. Again, the Joint Director (Personnel), Directorate of Government Examination, Chennai vide letter R.C.No.067395/V5/5/2010 dated 28.10.2013 intimated that the educational certificates of the petitioner had been verified with office records and found to be correct and also genuine.

7. On suspecting the varieties of the replies received from Education Department, Tamil Nadu, Shri T.S.Manoharan, Assistant Commandant (Ministerial) and Shri Raj Kumar, Assistant Commandant (Ministerial) were detailed to enquire into the matter in person / approach Directorate of Government Examinations to verify the genuineness of the educational certificate of petitioner vide Group Centre, CRPF, Avadi letter No.C.II-5/2014-SRC-1/217 dated 28.08.2014 and 03.11.2014. Finally, the Joint Director (Personnel), Directorate of Government Examination, Chennai vide



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their letter R.C.No.067395/V5/5/2010 dated 26.11.2014 intimated that the SSLC Mark Certificate of petitioner bearing Register No.555054 / April 1990 was verified with the office records and found that the marks does not tally with their office records and the mark certificate produced by the petitioner is not genuine. Further, it was also confirmed that verification reports dated 28.10.2013 and 07.04.2014 were not issued by their office as such, the certificate produced by the petitioner is fake.

8. Perusal of the above statement reveals that the certificate was issued by the competent authority and found to be genuine. However, the marks recorded are found to be incorrect with reference to the original register available in the Educational Department. It was repeatedly found by the authorities competent that the SSLC marks certificate of the petitioner was verified with the records available with the Education Department and found that the marks does not tally with their office records. Thus, they have given a finding that mark certificate produced by the petitioner was not genuine. Thus, the marks for the subject of English, History and Geography were tampered with for the purpose of securing appointment in CRPF. Based on the proceedings of the School Education Authorities and based on the



findings of the Enquiry Officer, the Disciplinary Authority imposed the penalty of removal from service.

9. In the present case, the rules of natural justice have been complied with. The enquiry was conducted by providing opportunity to the charged official. Thus, there is no infirmity in respect of the procedures followed. The charges were held proved based on the evidence. The evidence relied on by the authorities are proceedings of the competent authorities of the School Education Department of Government of Tamil Nadu. The Educational Authorities verified the original records and informed the CRPF officials that the mark sheet submitted by the petitioner is found to be not genuine. Thus, relying on the findings of the Education Authority of the Government of Tamil Nadu, the charges are held proved and thus, the findings of the Enquiry Officer are based on the evidence and there is no perversity.

10. Regarding the quantum of punishment, the scope of judicial review is limited. If at all the punishment imposed by the Disciplinary Authority is shocking to the conscious of the Court, then alone the High Court can interfere with the quantum of punishment and not otherwise.



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11. In the present case, the petitioner submitted a bogus certificate and secured the appointment in CRPF, which is uniformed service. Thus, any misplaced sympathy would lead to miscarriage of justice. CRPF is a discipline force and securing appointment by a bogus educational certificate at no circumstances could be encouraged nor is relief in this regard to be granted based on any misplaced sympathy or by taking a lenient view. When the entry of the service itself is tainted, there is no reason to interfere with the quantum of punishment imposed on the petitioner. For all these reasons, this Court do not find any infirmity in respect of the orders impugned passed by the respondents.

12. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes
Speaking order

To

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S.M.SUBRAMANIAM, J.

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