



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2475 of 2022 and
WMP (MD) Nos.2173 to 2175 of 2022

J.Earnest Jabin

...Petitioner

vs.

1.The Director of Government Examinations,
O/o the Director of Government Examinations,
Chennai - 600 006.

2.The Chief Educational Officer,
O/o the Chief Educational Office,
Kanyakumari District.

3.The District Educational officer,
O/o the District Educational Office,
Thiruvattaru,
Kanyakumari District.

4.The Correspondent,
A.H.S.S.Kalluppalam,
Edaicode Post,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent vide his proceedings in Na.Ka.No.958/A2/2021, dated 02.02.2022 and quash the same as illegal and consequently to direct the respondents to continue to pay the salary to the petitioner along with other teachers within the period that may be stipulated by this Court.

For Petitioner

: Mr.Ajmal Khan
Senior Counsel, for
M/s. Ajmal Associates

For R1 to R3

: Mr.S.Saji Bino
Special Government Pleader



O R D E R

This writ petition is filed as against the proceedings of the third respondent in Na.Ka.No.958/A2/2021, dated 02.02.2022.

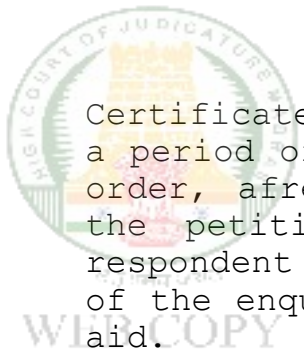
2.Mr.Ajmal Khan, learned senior counsel appearing for the petitioner submits that the petitioner was appointed as PG Assistant (History) at A.H.S.S, Kalluppalam, in the year 2015 and he is working for the past 7 years. The third respondent has issued notice to the fourth respondent directing them not to disburse grant-in-aid to the petitioner, till the verification of the genuineness of the Higher Secondary Certificate produced by the petitioner. The learned senior counsel further submits that the petitioner has cleared the course in a proper manner and there is no mistake in the Certificate submitted by him. However, the respondents have raised certain objections, with regard to the genuineness of the certificate produced by the petitioner, based on the proceedings dated 16.11.2021. The learned senior counsel further submits that though the respondents have raised objections regarding the genuineness of the Certificate, based on the proceedings dated 16.11.2021, the petitioner has not been served with the aforesaid proceedings and also even without affording an opportunity to the petitioner, the respondents have taken a decision, instructing the fourth respondent not to disburse the grant-in-aid to the petitioner. The petitioner is in service for the past seven years and even without any enquiry, the petitioner is prevented from getting grant-in-aid. Therefore, the impugned order is liable to be set aside.

3.Mr.Saji Bino, learned Special Government Pleader, who takes notice for the respondents submits that the authorities have taken a decision based on the proceedings of the first respondent, dated 16.11.2021 and the petitioner can very well establish the genuineness of the certificate produced by him, before the concerned authority.

4. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

5.The petitioner is working from the year 2015 under the fourth respondent. It is seen that all of a sudden, the impugned notice has been issued to the petitioner that he is not entitled for grant-in-aid, in view of the proceeding of the first respondent, dated 16.11.2021, based on which, the impugned order has been passed by the third respondent, directing the fourth respondent not to disburse any grant-in-aid to the petitioner, pending verification of the Higher Secondary Certificate produced by him. The petitioner is ready and willing to establish the genuineness of the Certificate, before the concerned authority. However, the learned counsel has claimed that the proceedings of the first respondent, dated 16.11.2021 was not furnished to him. If it is furnished to him, he can offer his explanation to the same.

6.In view of the above, the third respondent is directed to furnish the copy of the proceedings passed by the first respondent, dated 16.11.2021 to the petitioner and afford him an opportunity of ascertaining the genuineness of the Higher Secondary



Certificate, produced by the petitioner and take a decision, within a period of three weeks from the date of receipt of a copy of this order, afresh based on the outcome of the proposed enquiry. Since the petitioner is working for the past seven long years, the respondent shall permit the petitioner to work till the conclusion of the enquiry and the petitioner shall also be paid with grant-in-aid.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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.

To

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4618[F] dated 07/02/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4637[F] dated 07/02/2022)

+1 CC to M/s.SPL.GP (SR-4568[F] dated 07/02/2022)

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MGJ(08.03.2022) 3P 8C

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