



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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W.P. (MD) .No.22088 of 2016
and
W.M.P (MD) Nos.15807 and 15808 of 2016

P.Ruby Hena Devi

... Petitioner

Vs.

- 1.The Director of Elementary Education,
Directorate of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
- 2.The Joint Director of Elementary Education,
(Private Aided Schools),
Directorate of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Additional/Assistant Elementary Educational Officer,
Kadayam Range,
Tirunelveli District.
- 5.The Secretary,
Roselyn Primary School,
A.P.Nadarur,
Kadayam Range,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarifi, to call for the records pertaining to the impugned order of termination, dated, 21.04.2016 on the file of the Respondent No.4 and the consequential order in Moo.Mu.No.3345/A1/2016, dated, 09.09.2016 on the file of the Respondent No.2 and quash the same as illegal.



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For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Om Prakash
Government Advocate(Civil Side)
for R1 to R4
Mr.M.Subbaiah
for Mr.H.Arumugam
for R5

ORDER

This present writ petition has been filed to quash the termination order, dated, 21.04.2016 with the consequential prayer to quash the consequential order, dated, 09.09.2016.

2. The petitioner was appointed as Assistant Teacher on 26.07.1985 at Roselyn Primary School, which is the Government Aided Private School. The petitioner obtained teacher training certificate, namely, Teachers Certificate Higher(TCH) from the Karnataka Board in the year 1981. That certificate was evaluated as equivalent to the Secondary Grade Teachers Certificate Tamil Nadu, vide proceedings, dated, 17.10.1986. The contention of the petitioner is that in the communication, dated, 17.10.1986, the first respondent has further stated that the same certificate was retained by the first respondent for further verification if necessary. For about 7 years, there was no doubt whatsoever regarding the certificate issued by the Karnataka Board. However, in the year 2011, along with few others, the petitioner filed W.P.No.26441 of 2004 before the Principal Bench for a Mandamus, directing the respondents to return the petitioner's original certificate and this Court directed the respondents to return the original certificate to the petitioner, vide order, dated, 25.08.2011 and it was made clear that injunction granted in W.P.M.P.No.32197 of 2004, dated, 02.11.2004 will continue till the petitioners get their original certificates.

3. The contention of the petitioner is that without returning of the original certificates and without taking any adverse action against holders, the fifth respondent, the Secretary of the school, who is the petitioner's elder brother had vengeance against the petitioner and dismissed the petitioner. The contention of the petitioner is that after 30 years of service, the fifth respondent placed the petitioner under suspension, vide order, dated, 21.08.2015. Thereafter, issued a Charge Memo, dated, 13.10.2015 leveling charges for submitting false certificates and the petitioner challenged the same in W.P.(MD)No.19200 of 2015 and the meanwhile the school proceeded with the enquiry and passed the termination order, dated, 21.04.2016 without getting any prior approval from third respondent. The Secretary of the school, which is a non-minority private aided primary school has passed the termination order without any prior permission from the competent



authority as required in Section 22 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and hence the termination is illegal. As per Section 23, the petitioner preferred an appeal on 25.04.2016 and the same was pending without any response. Thereafter, the petitioner filed W.P.No.10738 of 2016, seeking for a direction to the third respondent to pass orders in the appeal and the same was disposed of on 25.04.2016. The second respondent has passed the impugned order, dated, 09.09.2016, rejecting the appeal and stating that the certificate is a false certificate. Aggrieved over the same, the present writ petition is filed.

4. The respondents filed a counter stating that the petitioner's claim was considered. The issue of bogus certificate by Karnataka Board was considered by several other litigations also. The Registrar of the said Board has sent a communication stating that the petitioner's Registration No. 13228 and she has passed first year in April 1980. For the second year, the petitioner's number is 12601 and the examination was conducted in April 1981. But the petitioner did not appear in all papers. Therefore, the petitioner was considered as fail in the second year. Therefore, the petitioner is not entitled to a prayer.

5. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.V.Om Prakash, learned Government Advocate(Civil Side) appearing for respondents 1 to 4 and Mr.M.Subbaiah, learned counsel appearing for respondent 5.

6. The issue of bogus certificate submitted by the teachers as if it is issued by Karnataka Board was considered by Division Bench of this Court in W.A(MD)Nos.901 and 902 of 2013, vide order, dated, 15.11.2018 as held as follows:

"7. We are also of the view that the first respondent has really been given a long rope. The first respondent claimed that the Karnataka Secondary Education Examination Board issued her a Teachers' Certificate, after she successfully underwent a course conducted by the Board. The appointment secured by the first respondent herein/Writ petitioner was set aside on the ground that the certificate was not genuine. Therefore, the onus lay only on the first respondent to prove the genuineness of the certificate. The learned Judge had proceeded on the premise that the Karnataka Secondary Education Examination Board must give a finding with regard to genuineness of the first respondent's certificate and for that the original records have to be submitted by the first respondent herein. In fact all that the Karnataka Secondary Education Examination Board was required to do was to verify the records available with itself. The



Karnataka Secondary Education Examination Board had been engaging itself in a futile correspondence with the first respondent herein. Only when the Karnataka Secondary Education Examination Board verified its records, the truth came to light. Since it has been categorically found that the first respondent did not even pass the second year as well as the practical examination, the order impugned in these Writ appeals will have to be set aside and accordingly, it is set aside."

7. In fact, the petitioner has also filed another W.P.(MD) No.12930 of 2017 batch. This Court in a batch of writ petitions, vide order, dated, 08.08.2019 as held as follows:

22. In view of the above judgment passed by the Honourable Division Bench of this Court, no further consideration is required in respect of the grounds raised in the present writ petitions, as the certificates submitted by the writ petitioners at the time of securing appointment to the post of Teacher were established as bogus certificates and the Karnataka Secondary Education Examination Board had also submitted a report as discussed in the aforementioned paragraphs stating that the certificates of these fifteen candidates were bogus.

23. This being the factum, the writ petitioners are not entitled for any relief as sought for in the present writ petitions and the earlier continuance of the writ petitioners in service itself was based on *lis pendens* and hence, no further relief can be granted in favour of the writ petitioners. Thus, the order impugned in W.P(MD)No.12930 of 2017, passed by the fourth respondent in O.Mu.No.400/A.1/2017, dated, 27.06.2017, stands confirmed.

In the aforesaid orders also the petitioner is one of the party and this Court has held that the teachers are not entitled any relief.

8. The learned counsel for the petitioner submitted that another Division Bench has directed if any certificate is produced by the petitioner, the same has to be considered by the respondents. This Court is of the considered opinion, the same cannot be entertained. Since the Karnataka Board, who is the competent authority has stated that the petitioner has not appeared for the second year and hence the petitioner is considered as fail. Moreover, if the bogus certificate is handed over to the petitioner, again the same will be misused. Therefore, this Court is of the considered opinion that the bogus certificate is liable to be destroyed. So the prayer of the petitioner cannot be entertained and hence the writ is rejected.



9. Following the said judgments stated supra, this Court of the considered opinion, the petitioner is not eligible for any relief. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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

- 1.The Director of Elementary Education,
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College Road, Nungambakkam, Chennai-600 006.
- 2.The Joint Director of Elementary Education,
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- 4.The Additional/Assistant Elementary Educational Officer,
Kadayam Range, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-17008[F] dated 06/04/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-17340[F] dated 07/04/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-17086[F] dated 07/04/2022)

W.P. (MD) .No.22088 of 2016

Date:05.04.2022

SA(11.05.2022) 5P 8C