



WEB COPY



W.P.No.29161

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

W.P.No.29161 of 2010
and M.P.No.2 of 2010

P.P.Jayaraman

...Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Villupuram District.

2.The Special Officer,
Ariyalur Thirukai Primary
Agricultural Loan Cooperative Bank,
Ariyalurthirugai, Villupuram.

Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in Roc No.9217/2009 Sub dated 25.10.2010 confirming the order of the 2nd respondent in Proc Nil dated 16.11.2009 and quash the same as illegal, incompetent, irregular and without jurisdiction and further direct the respondents to restore the services of the petitioner together with back wages.



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For Petitioner

: Mr.Sunny Sheen
for Ms.V.Srimathi

For Respondents

: Mr.S.Ravichandran for R1
Additional Government Pleader

Mr.K.Balasubramanian for R2

ORDER

The Writ Petition has been filed challenging the order of dismissal made by the second respondent as confirmed by the first respondent.

2.Heard Mr.Sunny Sheen, learned counsel appearing for Ms.V.Srimathi, counsel on record for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader appearing for the first respondent and Mr.K.Balasubramanian, learned counsel appearing for the second respondent.

3.Learned counsel appearing for the petitioner would submit that the petitioner had joined the services of the second respondent in the year 1984 on daily wages and thereafter, he was included in the rolls of the respondents by a resolution in the year 1986. He was promoted as a Weigh man on 27.09.1993. Thereafter, he was promoted as Salesman and then as an Office Assistant on and from 01.07.1995. However, there was a complaint which was lodged with the District Collector had been forwarded to the second respondent alleging that the petitioner do not have the



required qualification and the petitioner had joined the services based upon a forged School certificate. It appears that the second respondent had written to the School in which the petitioner had studied and it is also understood that the Headmaster of the said school had communicated back to the second respondent indicating that the document that was sought to be verified as a false/forged document. Pursuant to which, a charge memo was issued to the petitioner and an Enquiry Officer was also appointed. The Enquiry Officer had given a Report that the petitioner had produced a false/forged certificate based upon which the second respondent after issuing the second show cause notice had dismissed the petitioner from service. The appeal filed by the petitioner before the first respondent was also dismissed.

4.He would further submit that the enquiry had not been conducted in a fair and proper manner. The person viz., the Headmaster who had verified the certificate produced by the petitioner as false was never examined by the Enquiry Officer. Therefore, he would submit that the findings of the Enquiry Officer is not based on any materials and is also perverse. He would submit that this aspect had not considered by the respondents. He would submit that no fair opportunity was provided to the petitioner to substantiate his claim that the document produced by him is an original document that had been issued by the School. Therefore, he would seek interference of this Court to the findings of the Authority.



5.Countering his arguments, Mr.K.Balasubramanian, learned counsel appearing for the second respondent would submit that the petitioner had not produced any substantial evidence to show that he had studied upto 8th standard in the School viz., the Panchayat Union Middle School, Valavanur West. He would submit that the certificate produced had been sent to the School Headmaster for verification and the School Headmaster had categorically held that no such certificate had been issued by the School which had been produced before the respondents. Therefore, he would submit that there was no error in the order of dismissal as upheld by the first respondent.

6.Mr.S.Ravichandran, learned Government Advocate appearing for the first respondent would also support the submissions made by the learned counsel appearing for the second respondent.

7.I have considered the submission made by the respective counsels appearing on either side and perused the materials available on record.

8.The petitioner had admittedly submitted a certificate to substantiate that he had studied upto 8th standard. The said certificate bears Admission No.435 dated 04.06.1963. The said certificate is claimed to be a forged certificate. This is the crux

of the issue.

<https://www.mhc.tn.gov.in/judis>



9.From the affidavit filed by the petitioner on filing this Writ Petition, the petitioner had specifically claimed to be aged about 48 years. Taking into consideration the age of the petitioner as disclosed by him before this Court and making an arithmetic calculation, it could be seen that the petitioner would have been born in the year 1962 or atleast in the year 1961. The certificate produced by the petitioner, it had been indicated that the date of admission as 04.06.1963. Therefore, if the claim of the petitioner is to be accepted, he would have joined the School either at the age of one or two which cannot be possible at all. On that factual consideration, it could be seen that the certificate relied upon by the petitioner to substantiate his educational qualification could only be a forged document.

10.The petitioner had made various claims as regards to the validity of the Enquiry Proceedings, which I do not propose to introspect for the factual conclusion arrived at by me.

11.In view of the aforesaid factual findings, I do not propose to entertain the claims made by the Writ Petitioner as I am convinced that the petitioner had produced a forged document.



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12. In fine, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

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The Joint Registrar of Cooperative Societies,
Villupuram District.



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K.KUMARESH BABU, J.

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