



W.P.No.29246 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29246 of 2010

V.Maheswari

... Petitioner

Vs

1.The Director of Public Health and Preventive Medicine,
D.M.S.Complex,
Teynampet, Chennai – 600 006.

2.The Deputy Director,
Health Service and Family Welfare,
Dharapuram.

... 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 pertaining to the order passed by the first respondent herein in Na.Ka.No.54277/௧௩/03, dated 10.02.2010, and quash the same and consequently direct the respondents to reinstate the petitioner with all back wages, continuity in service, and monetary benefits

For Petitioner : Mr.P.Navaneetha Krishnan

For Respondents : Mr.R.Neethi Perumal GA for RR1 &2

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ORDER

The Writ Petition had been filed challenging the proceedings of the first respondent as confirmed the order of the second respondent for imposing an order of punishment of removal from service and to direct reinstatement of the petitioner.

2. Heard Mr.P.Navaneetha Krishnan, learned counsel appearing for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate appearing for the respondents 1 and 2.

3. The case of the petitioner is that she belonged to a Schedule Caste community and she had joined as Anganwadi worker and thereafter she was posted as Village Health Nurse at Chennimalai on 08.06.2001. The mark sheet of the petitioner seems to have been sent for verification to the Director of Examination whereupon, she was called upon to appear for an enquiry, where she was informed that the mark sheet produced by the petitioner do not tally with the original

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records managed by the department and she was asked to give a letter stating that she had given bribe to some officials of the department to get a manipulated certificate and without understanding the consequence, she had given such a letter. Therefore, the Director of Examination had suspended the certificate of the petitioner by order dated 18.02.2005.

4. Based on the aforesaid facts, a charge memo was issued to the petitioner on 27.12.2006, to which the petitioner had submitted a detailed representation. However, an enquiry officer was appointed, who had held that the charges had been proved and an order of removal from service had been passed by the second respondent. Being aggrieved against the same, the petitioner had filed an appeal before the first respondent, who had also rejected the appeal.

5. The learned counsel appearing for the petitioner would vehemently contend that it is not a case of forged documents, but only a case of change of the initial in the certificate of the petitioner for which



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such a harsh punishment had been given. He would further submit that even the Director of Examination, had not cancelled the certificate, but had suspended the certificate, which would entitle the petitioner to obtain a fresh certificate thereafter. Therefore, he would contend that the punishment imposed on the petitioner is not proportionate to the charges that had been framed and would seek to interfere with the order of punishment imposed on the petitioner.

6.Countering his arguments, Mr.R.Neethi Perumal, learned Government Advocate would heavily contend that the petitioner had produced a false and fabricated certificate to claim the post of Village Health Nurse, which otherwise she would not be entitled to, which had been conclusively proved during the departmental enquiry that had been conducted. He would further contend that the petitioner had not challenged the process of enquiry, as she admitted the procedure followed during the enquiry. Further, he would submit that there is no merits in this Writ Petition and the Writ Petition does not deserve to be entertained.

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7.I have heard the rival submissions made on either side and perused the materials placed on record.

8. It is a case where the petitioner is alleged to have produced a mark sheet, which does not tally with the Department of the Examination. The Department of Examination had also passed orders suspending the certificate issued to the petitioner. The order of suspending the mark statement, passed by the Department of Examination, had not been challenged by the petitioner, which would only imply that the petitioner had been involved in the malpractice of manipulating her educational records.

9. When that being so, I do not find any infirmity or irregularities in the order impugned in this Writ Petition. Further, this Court opines that a person cannot get an appointment of public employment by producing such a manipulated documents by taking away the rights of another qualified person to be appointed in that place.

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10.In view of the same, I do not find any merit in this Writ Petition and the same is liable to be dismissed. Accordingly this Writ Petition is dismissed. However, there shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No



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K.KUMARESH BABU,J.

Pbn

To

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