



W.P.No.26796 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26796 of 2012

M.Margaret Vimali

... Petitioner

-Vs-

1. The Secretary to the Government of Tamilnadu,
School Education Department,
Fort St.George, Chennai – 600 009.
2. The Director of Elementary Education,
College Road,
Chennai – 600 006.
3. The Director of Teacher Education,
Research and Training,
Kamarajar Salai, Chennai – 600 006.
4. The District Elementary Education Officer,
Krishnagiri,
Krishnagiri District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the third respondent herein to evaluate the Diploma Certificate of the petitioner obtained from the Karnataka Secondary Education Board, taking into consideration of the Judgment of the Division Bench of this Hon'ble Court in W.A.No.930 of 1998 dated 19.10.2005 and also the Batch of Writ Petition in W.P.No.



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11770 of 2000 dated 20.02.2007.

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For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the third respondent to evaluate the Diploma Certificate of the petitioner obtained from the Karnataka Secondary Education Board and to pass orders.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner had applied for the post of Secondary Grade Teacher and she got selected for the post of Secondary Grade Teacher. After completion of two years of service, she was transferred to RC Fathima Primary School, Krishnagiri. Her service in the cadre of Secondary Grade Teacher was regularized on 02.08.2001. She had also attained Selection Grade in the said post. After completion of 10 years of service, she was sanctioned necessary pay for Special Grade from



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02.08.2001. She had produced all the original Educational Certificates on 23.08.2004 for the purpose of evaluation sought by the second respondent. It was found bogus and she was issued show cause notice. Without being satisfied with the explanation, she was suspended from service on 28.02.2012. It was contended that the evaluation certificate could not have been given by the second respondent, since she had obtained less than 50% in three subjects during the first year course examination and also in one subject less than 50% in the final examination.

4. Therefore, as per the norms in the Board, only if the candidates secure 50% of marks, they are entitled to get the evaluation certificate. She also referred the Government Order in G.O.Ms.No.1196 Education Department dated 03.12.1992 and G.O.(2D).No.284, Education Department dated 15.12.1995, with regard to evaluation of the certificate produced by the candidates, who have studied in Karnataka State. When there is a specific order of the Government to give relaxation in respect of candidates who have secured less than 50% and followed by that both the candidates were given relaxation by the Government order and they



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were taken as a Secondary Grade Teachers. She also claimed the said relaxation from the minimum criteria of 50%. Therefore, the petitioner made a representation.

5. A perusal of the counter filed by the third respondent revealed that the petitioner had not obtained the mandatory 50% of marks in three subjects in the first year examination and one subject in the second year examination conducted by the Karnataka Secondary Education Examination Board. The evaluation certificate submitted by the petitioner has not been issued by the Director of Teacher Education Research and Training, Chennai. Therefore, it was subjected for verification and found that it was fake. Further, the relaxation granted to two persons vide G.O.(2D).No.284, Education Department dated 15.12.1995 was subsequently cancelled by G.O.(2D).No.100, School Education dated 29.12.1997.

6. Therefore, the direction sought for in this petition cannot be



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granted and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

01.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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