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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11533 of 2021

D.Arasu

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai 600 006.
- 3.The Principal,
Muthurangam Government Arts College,
Vellore 632 002, Vellore District.

Respondents

...

PRAYER : This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records in pursuant to the proceedings in Na.Ka.No.10798/B1/2020 dated 21.02.2021 issued by the 2nd respondent and quash the same and consequently direct the second respondent to promote the petitioner to the post of Office Assistant in the third respondent College.



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For Petitioner : Mr.M.Venkatesh for

Mr.K.Suthan

For Respondents : Mr.P.Sanjai Gandhi, GA

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records in pursuant to the proceedings in Na.Ka.No.10798/B1/2020 dated 21.02.2021 issued by the 2nd respondent and quash the same and consequently direct the second respondent to promote the petitioner to the post of Office Assistant in the third respondent College.

2. Heard Mr.M.Venkatesh, learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Government Advocate for the respondents.

3. The petitioner's promotion has been denied due to the doubtful circumstances about his appearance in S.S.L.C. Examination, as he had signed in the attendance register during the relevant period when the examinations for S.S.L.C. was conducted. The petitioner claims that he had studied S.S.L.C. course and appeared for examination through



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private mode. The petitioner was working as a Scavenger during the relevant point of time and it is claimed by the petitioner that he was on night duty during the said period and hence it would have been possible for him to appear for the examination during day time.

4. The learned Government Advocate submitted that an enquiry has been conducted by the employer of the petitioner, wherein it was found out that during the relevant period of time, it was one Nithya who was on night duty and not the petitioner and the same has been stated in the letter of the third respondent to the second respondent dated 03.08.2023.

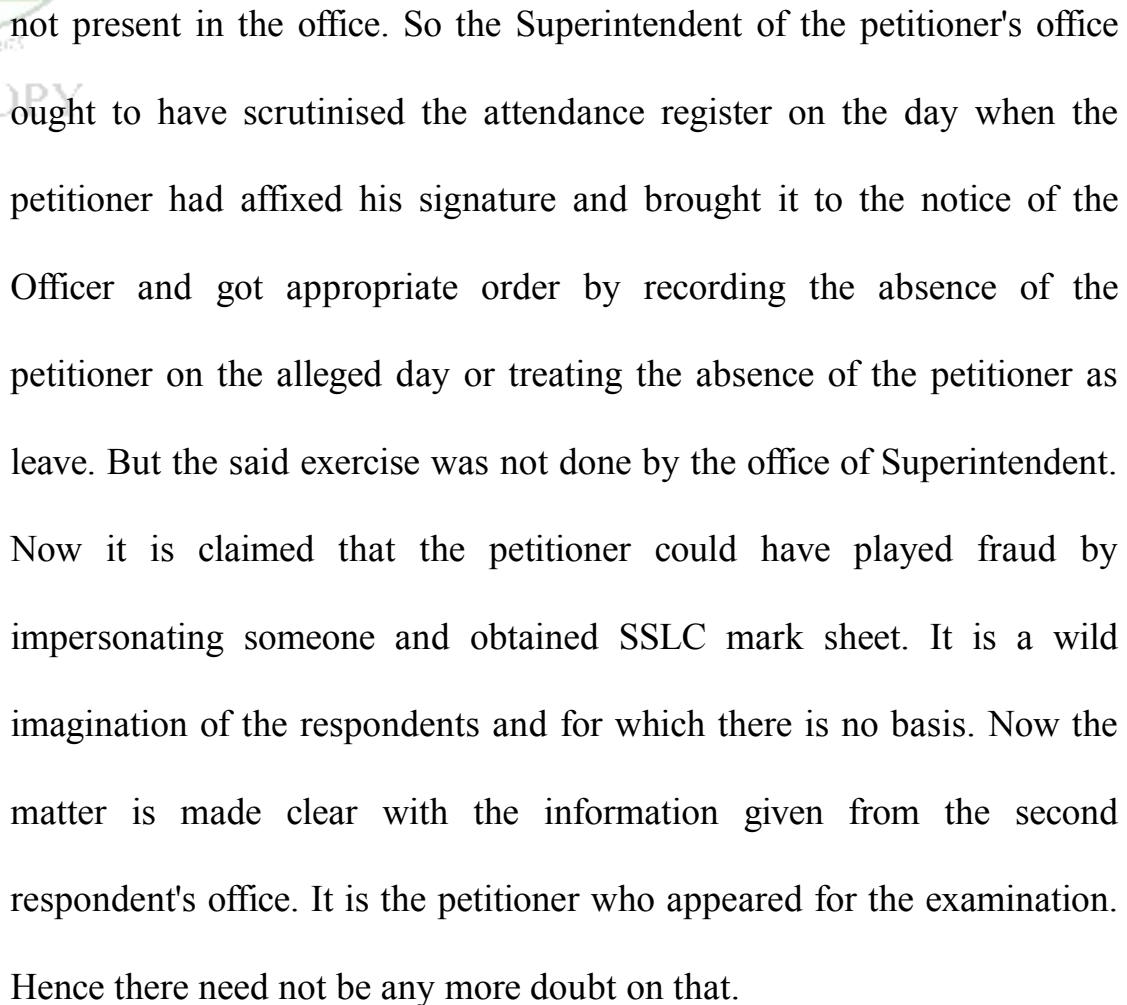
5. The petitioner had sought copy of his hall ticket through Right to Information and he also asked whether his name has been included in those persons who had played impersonation in SSLC public examination during March 2019 and if so, to give the copy of the particulars. For the above questions, the Information Officer has furnished the reply by stating that the hall ticket of the 10th examination could be downloaded just 10 days before the start of the examination and not thereafter.



6. The learned Government Advocate submitted that the system that was prevailing before 2015 was not through online hall ticket but only by physical mode. So the petitioner ought to have got his hall ticket only physically. Unless the second respondent department has the back records of the year 2019, it may not be possible from their end to furnish the copy of the hall ticket as requested by the petitioner.

7. However, for the question raised by the petitioner that whether his name was found in the list of persons who have played fraud during SSLC Examination in March 2019, a categorical answer has been given that he is not found in the above list. The one and only confusion that has been brought before the Court is that the petitioner had signed his attendance register on the day when he appeared for the examination.

8. From the information furnished by the second respondent, it is clear that the petitioner was available only in the exam hall and he was



9. Since the petitioner has got the required qualification of SSLC, that ought have been approved by the third respondent without developing any doubt. On contrary, the said qualification has been cancelled and in this regard, it appears some endorsement has been made in the Service Register of the individual. Even such an exercise ought not



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to have been done without giving due notice to the petitioner and giving him an opportunity to make his submission about the genuineness of his SSLC Certificate. In the impugned order itself, it is stated that the enquiry made on the genuineness of the SSLC Certificate produced by the petitioner is proved to be genuine. On such consideration, the adverse endorsement made in the petitioner's Service Register ought to have been struck off. Since the petitioner has proved to be possessing required qualification for promotion to the post of Office Assistant, he could have been considered for promotion.

10. In view of the same, this Writ Petition is allowed and the impugned proceedings in Na.Ka.No.10798/B1/2020 dated 21.02.2021 issued by the 2nd respondent is quashed and the second respondent is directed to struck off the adverse entry made in the Service Register of the petitioner with regard to SSLC certificate of the petitioner and consider the petitioner for future promotion to the post of Office Assistant in the third respondent College.



14.12.2023

Index : Yes

Internet : Yes/No

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To

- 1.The Secretary to Government,
Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
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- 3.The Principal,
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R.N.MANJULA, J.

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