



W.P.Nos.2635 & 2636 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

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

W.P.Nos.2635 & 2636 of 2014

WP.No.2635 of 2014

S.Govindan

... Petitioner

Vs.

1.The District Collector(PD Section)

Tiruvannamalai District,

Tiruvannamalai

2.The Personal Assistant

to the District Collector (PD Section)

Tiruvannamalai District,

Tiruvannamalai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records pertaining to the order bearing ROC.No.18645/2007/PA3 dated 24.10.2008 of the second respondent and the consequential order bearing Roc.No.10347/2013/A3 dated 26.11.2013 of the first respondent and quash the same with all consequential benefits.

For Petitioner : M/s.T.Hemalatha

For Respondents : Ms.Akhila Rajendran,
Government Advocate



W.P.Nos.2635 & 2636 of 2014

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... Petitioner

Vs.

1.The District Collector(PD Section)

Tiruvannamalai District,

Tiruvannamalai

2.The Personal Assistant

to the District Collector (PD Section)

Tiruvannamalai District,

Tiruvannamalai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records pertaining to the order bearing ROC.No.8293/2007/PA3 dated 24.10.2008 of the second respondent and the consequential order bearing Roc.No.10347/2013/pA3 dated 26.11.2013 of the first respondent and quash the same with all consequential benefits.

For Petitioner : M/s.T.Hemalatha

For Respondents : Ms.Akhila Rajendran,
Government Advocate

COMMON ORDER

The writ petition in WP.No.2635 of 2014 is filed to issue Writ of Certiorari calling for the records pertaining to the order bearing ROC.No.18645/2007/PA3 dated 24.10.2008 of the second respondent and the consequential order bearing Roc.No.10347/2013/A3 dated 26.11.2013 of the first respondent and quash the same with all



W.P.Nos.2635 & 2636 of 2014

consequential benefits. The writ petition in WP.No.2636 of 2014 is filed to issue Writ of Certiorari calling for the records pertaining to the order bearing ROC.No.8293/2007/PA3 dated 24.10.2008 of the second respondent and the consequential order bearing Roc.No.10347/2013/pA3 dated 26.11.2013 of the first respondent and quash the same with all consequential benefits.

2. Both the writ petitions have been filed against the same orders passed by the respondents. The petitioner was initially appointed as Watchman at Thandarampet Panchayat Union with effect from 12.09.1972. Thereafter, he was promoted to the post of Office Assistant with effect from 04.10.1973. Further he was promoted as Record Clerk with effect from 09.02.1985. As on 13.11.1999, the petitioner was promoted as Junior Assistant in the Office of the District Collector, Tiruvannamalai. While he was working as Personal Assistant to the District Collector, Tiruvannamalai, he was served with charge memo dated 05.11.2001 on the charge that SSLC certificate produced by the petitioner is bogus one. After enquiry, all the charges found proved and



W.P.Nos.2635 & 2636 of 2014

imposed the following punishment:

(i) By the order bearing ROC.No.8293/2007/PA3 dated 24.10.2008 of the second respondent for the alleged delinquency of submitting bogus SSLC Certificate the petitioner was reduced from the rank of Junior Assistant to the post of Record Clerk and further reduced from the rank of Record Clerk to Office Assistant.

(ii) By the order bearing ROC.No.18645/2007/PA3 dated 24.10.2008 of the second respondent for the alleged delinquency of correcting the date of birth of the petitioner in the service register from 21.06.1946 to 21.06.1949 based on the certificate of date of birth issued by Tahsildar, Chengam, the petitioner was brought to starting time scale of pay in the post of Office Assistant.

3. The learned counsel for the petitioner would submit that for one charge, the petitioner had been punished twice and it is nothing but double jeopardy. Therefore, it is arbitrary, unreasonable and violative of Articles 14 and 16 of Constitution of India. The petitioner is not entitled to correct his date of birth in his service register from 21.06.1946 to



W.P.Nos.2635 & 2636 of 2014

21.06.1949 by no stretch of imagination. The Tahsildar, Chengam is the competent authority to issue birth certificate. Therefore, he did not correct any of his birth date by alteration. That apart, the appellate authority without any reason, mechanically confirmed the order passed by the second respondent.

4. Heard the learned counsel appearing on either side.

5. On perusal of the counter, it is revealed that the petitioner produced SSLC certificate bearing registration No.473929 and on production of SSLC certificate, he was promoted from the post of Record Clerk to Junior Assistant on 13.11.1999. It is pertinent to mention here that to the post of Junior Assistant, SSLC qualification is mandatory as prescribed by the Tamilnadu State and Subordinate Service Rules in Schedule-I. The SSLC certificate produced by the petitioner was sent to Director of Government Examinations, Chennai for verification of its genuineness. By the communication dated 24.07.2001, it was found that SSLC certificate produced by the petitioner was a bogus one. On



W.P.Nos.2635 & 2636 of 2014

verification of original SSLC certificate of the petitioner, it was found that he had scored only 22, 17 and 20 in English, Science and Social Science subjects respectively. Therefore, he got failed in SSLC examination held in the month of October, 1992. Therefore, the petitioner did not possess adequate minimum education qualification to sustain his post of Junior Assistant. Therefore, he was suspended from service with effect from 12.10.2001. The charges were framed and enquiry was conducted against the petitioner.

6. As per enquiry report dated 10.01.2005, all the charges were proved against him and the second respondent is being disciplinary authority for the petitioner has passed final order dated 24.10.2008 thereby the petitioner is reverted back to the previous post, namely Record Clerk for the reason that as per the Tamilnadu State and Subordinate Rules in Schedule-I, a pass in SSLC is the prescribed minimum general education qualification to hold the post of Junior Assistant. Whereas the petitioner was not qualified to hold the post of Junior Assistant at the time of his promotion as Junior Assistant as on



W.P.Nos.2635 & 2636 of 2014

13.11.1999.

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7. Further, the second respondent ordered for reduction of one rank from the post of Record Clerk to the post of Office Assistant. The punishment imposed by the second respondent was confirmed by the first respondent. Therefore, it would not amount to double punishment called 'double jeopardy' and the respondents rightly reverted the petitioner from the post of Junior Assistant to the post of Record Clerk since he did not possess the minimum education qualification of SSLC at the time of promotion. Thereafter, he was punished for the proven charges that he produced bogus SSLC certificate in order to get promotion to the post of Junior Assistant. Therefore, this Court finds no infirmity or illegality in the order passed by the respondents. Accordingly, both the writ petitions are dismissed. There shall be no order as to costs.

04.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.



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W.P.Nos.2635 & 2636 of 2014

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To

1. The District Collector(PD Section)
Tiruvannamalai District,
Tiruvannamalai
2. The Personal Assistant
to the District Collector (PD Section)
Tiruvannamalai District,
Tiruvannamalai
3. The Public Prosecutor,
High Court, Madras.

W.P.Nos.2635 & 2636 of 2014

04.07.2023