



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Tuesday, the Eighteenth day of July Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD). No.12544 of 2023

in

WP(MD)No .27050 of 2023

1. The Director of Government Examinations,
Directorate of Government Examinations, Chennai - 600 006.
2. The Joint Director of Government Examinations,
Directorate of Government Examinations, Chennai - 600 006.
3. The Chief Educational Officer
Office of the Chief Educational Office, Kanyakumari District.
4. The District Educational Officer, Office of the District Educational Office,
Thiruvattar, Kanyakumari District.

... Petitioner/Respondents 1 to 4

Vs

1. Earnest Jabin J
PG Assistant (History),
2. The Correspondent
Aided Higher Secondary School
Kalluppalam, Edaicode Post, Kanyakumari District.

.... Ist Respondent/Writ Petitioner

... 2 nd Respondent/5th Respondent

Prayer in WMP(MD)No.12544/2023

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India To clarify the directions made by this Honble Court in the paragraph 3 of the order dated 26.04.2023 made in WP (MD) No.27050 of 2022 and pass further other order as this Honble Court may deem fit and proper and thus render justice.



Prayer in WP(MD). 27050/ 2022 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandmaus, calling for the records relating to the impugned order passed by the 3rd respondent CEO in Na.Ka. No.9853/Aa1/2021 dated 25.11.2022 and the consequential order of removal from service passed by the 5th respondent school in Ref. No.260/22 dated 25.11.2022 quash the same as illegal, null and void and further direct the respondents to allow the petitioner to continue in service as PG Assistant (History) in the 5th respondent School with continuity of service and all attendant benefits including arrears of salary and allowances and pass such further or other orders.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. SATHESH KUMAR, Government Advocate for the Petitioner and of Ms. K.RAGATHEESHKUMAR. , Advocate for the respondent(s), this Court made the following order:

The Department has filed W.M.P(MD)No.12544 of 2023 in W.P(MD)No.27050 of 2022 seeking clarification of the order dated 26.04.2023 passed by me. The case involves the career of the writ petitioner / J.Earnest Jabin. The stand of the Department is that the writ petitioner had produced bogus 12th standard mark sheet.

I had held that the genuineness of the said certificate must be decided only by the

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



Director of Government Examinations, Chennai – 6. It had already been held in the previous rounds of litigation that the Director of Government Examinations must decide the issue after putting the writ petitioner on notice. It was further directed that this order of the Director of Government Examinations must be communicated directly to the writ petitioner / J.Earnest Jabin so as to enable him to challenge the same. I am conscious that the Director of Government Examinations will not have any disciplinary jurisdiction over the writ petitioner. It is only jurisdictional Chief Educational Officer who can pass an order in that regard. The Department undertakes to pay pending salary arrears of the writ petitioner within a period of three weeks from the date of receipt of a copy of this order.

2. Therefore, order dated 26.04.2023 made in W.P(MD)No.27050 of 2023 is accordingly clarified. This writ miscellaneous petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)



2. The Director of Government Examinations,

Directorate of Government Examinations, Chennai - 600 006.

3. The Joint Director of Government Examinations,

Directorate of Government Examinations, Chennai - 600 006.

4. The Chief Educational Officer

Office of the Chief Educational Office, Kanyakumari District.

5. The District Educational Officer, Office of the District Educational Office,
Thiruvattar, Kanyakumari District.

6 The Special Govt. Pleader,

Madurai Bench of Madras High Court, Madurai

+1 cc to Isaac chambers sr no 34854



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Hon`ble Mr.Justice
G.R.SWAMINATHAN
ORDER DATED : 18/07/2023

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ORDER

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WMP(MD). No.12544 of 2023

in
WP(MD)No .27050 of 2023
Giving direction and etc.
as stated within.

KB(30.08.2023) 5P 8C