



WEB COPY



W.P.No.14219 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	:	05.02.2024
Pronounced on	:	14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.14219 of 2011

and

M.P.No.2 of 2011

M.Murugan

...Petitioner

Vs.

1.The Secretary to Government,
Home (Police.V) Department,
Fort St.George, Chennai – 600 009.

2.The Director General of Police,
Mylapore, Chennai – 600 004.

3.The Inspector General of Police (Training),
Police Training College,
Ashok Nagar, Chennai.

4.The Deputy Inspector General of Police, (Training),
Police Training College,
Ashok Nagar, Chennai.

5.The Principal/Superintendent, (Training),
Police Training College,
Ashok Nagar, Chennai.

... Respondents



W.P.No.14219 of 2011

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records connected with the Government order issued in G.O.(3D) No.66 Home (Police.V) Department dated 29.11.2010 passed by the 1st Respondent and Rc.No.179197/APIV(2)/2007 dated 21.11.2007 passed by the 2nd Respondent and Rc.No.G1/213/6515/06 P.C.6/2004 dated 29.06.2006 passed by the 3rd Respondent and Rc.No.G1/84/2523/06 P.R.6/2004 dated 07.04.2006 passed by the 4th Respondent and G1/7290/2004 PR.No.06/2004 College Order No.60/2006 dated 06.02.2006 passed by the 5th Respondent and quash the same and consequently to direct the respondents to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.Tippusultan, Government Advocate

ORDER

This Writ Petition is filed calling for the records connected with the Government order issued in G.O.(3D) No.66 Home (Police.V) Department dated 29.11.2010 passed by the 1st Respondent and Rc.No.179197/APIV(2)/2007 dated 21.11.2007 passed by the 2nd Respondent and Rc.No.G1/213/6515/06 P.C.6/2004 dated 29.06.2006 passed by the 3rd Respondent and Rc.No.G1/84/2523/06 P.R.6/2004 dated 07.04.2006 passed by the 4th Respondent and G1/7290/2004 PR.No.06/2004 College Order



W.P.No.14219 of 2011

No.60/2006 dated 06.02.2006 passed by the 5th Respondent and quash the same and consequently to direct the respondents to reinstate the petitioner into service with all attendant benefits.

2.The case of the petitioner is that, after demise of his father, he applied for compassionate ground appointment. Having perused all the documents produced by him, he was given posting as Junior Assistant with a direction to join in the Police Training College, Tamil Nadu Special Police, Coimbatore. On 23.12.2000, the Commandant of Police, Coimbatore wrote a letter to the Director General of Police by his proceedings issued in Na.Ka.No.A3/25287/2000 and asked certain particulars to regularize his service. Subsequently, he was issued with a charge memorandum by the Principal/Superintendent of Police, Police training College, Chennai. The charges reads as follows,

"Charge No.1: Reprehensible conduct in having produced the bogus S.S.L.C mark sheet certificate S.No.2015894 with Registration No.543987-TMR Code No. and date as A 107239/15.12.1994 as a private candidate.

Charge No.2: Producing a self addressed envelope in having received the bogus certificate with R.L.No.5765 with date 03.01.1995 along with the seal of



W.P.No.14219 of 2011

the school viz. Government Higher Secondary School, Nemili(N.A) -631 051.

WEB COPY

Charge No.3: Petition of Thiru.Murugan, dated 26.12.1995 representing in having passed the 10th std. and request to appoint him as Junior Assistant addressed to the Director General of police, Chennai-2 with copy marked to the Superintendent of Police, N.A.A. District."

2.1.The Enquiry was conducted. Based on the Enquiry Officer's report, petitioner was imposed a punishment of removal from service. He filed Appeal to the Deputy Inspector General of Police on 15.02.2006. His Appeal was rejected on 07.04.2006. He preferred Review to the Inspector General of Police, Police Training, Police Training College and that was also rejected. He filed Mercy Petition before the Director General of Police on 23.08.2006 and that met with the same fate of rejection. Finally, he filed Mercy Petition before the Government on 09.06.2008 and that was also rejected.

3.Learned counsel for the petitioner submitted that petitioner studied in a private institution and appeared as a private candidate. The certificate was sent to him through post from the Government High School, Nemili. He did not know about the genuineness of the certificate. The Enquiry Officer has not



W.P.No.14219 of 2011

considered the petitioner's case. Infact the petitioner's mother claimed the post on compassionate ground, stating that, petitioner has failed in 10 std and prayed for the post of Office Assistant on compassionate ground. Therefore, instead of removing the petitioner from service from the post of Junior Assistant, he may be retained as Office Assistant or in any other equivalent post.

4.In reply, learned counsel for the respondent submitted that, on verification of petitioner's S.S.L.C marksheet by the Directorate of Government Examinations, it was found that SSLC marksheet submitted by the petitioner is a bogus certificate. After preliminary enquiry, a charge memo was issued under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. Oral enquiry was conducted by the Principal/Police Recruitment School, Coimbatore. During the course of enquiry, Thiru.Subramaniam, Head Master, Government Boys Higher Secondary School, Nemili had given evidence that exams for private candidates were not conducted in the School. Thus, it is clear that petitioner has not written the exam but produced a bogus S.S.L.C certificate. The charges against the petitioner were proved. Therefore, petitioner was removed from service.



W.P.No.14219 of 2011

4.1. When he produced bogus educational certificate for joining in Police department, it may not be advisable to retain the petitioner in the service.

Considering the gravity of the misconduct committed by the petitioner, he was removed from service. His Appeal, Review Petition and Mercy Petitions have all been rejected. Thus, he prays for dismissal of this Writ Petition.

5.Considered the rival submissions and perused the records.

6.It is seen from the records produced and from the submissions of the learned counsel appearing for the parties, it is clear that petitioner was charged with commission of grave misconduct by producing bogus SSLC mark sheet for securing employment. It is not denied by the petitioner that petitioner produced the S.S.L.C mark sheet with S.No.2015894 and with Registration No.543987-TMR. He claims that he had written exam as a private candidate in Government Boys Higher Secondary School, Nemili. He also submitted a representation dated 26.12.1995 seeking appointment as Junior Assistant for having passed 10 std, on compassionate ground.

6.1.Writing examination as a private candidate in Government Boys Higher Secondary School, production of aforesaid S.S.L.C marksheet and



W.P.No.14219 of 2011

representation dated 26.12.1995 for appointment as Junior Assistant on compassionate ground have all been admitted by the petitioner.

6.2.Now, it is proved by the evidence that S.S.L.C marksheet produced by the petitioner is a bogus certificate. The Head Master of Government Boys Higher Secondary School had given evidence that there was no exam conducted for private candidates in their School. One important thing is that petitioner's mother Dhanalakshmi gave a representation dated 11.05.1993 to the Superintendent of Police, North Arcot Ambedkar District seeking compassionate appointment to her son, on the death of her husband, wherein she claims that her son did not pass 10 std. Subsequently, petitioner claims that, he passed 10 std and sought appointment as Junior Assistant on compassionate ground. Thus, it is apparently clear that petitioner had deliberately given a false representation with bogus S.S.L.C marksheet to claim the post of Junior Assistant on compassionate ground.

7.This is a serious misconduct on the part of the petitioner, which requires major punishment like removal from service. The submission of the learned counsel for the petitioner that instead of removing the petitioner from



W.P.No.14219 of 2011

service, he may be retained in the post of Office Assistant for which his mother submitted a application, cannot be accepted, for the reason that, police department is a department which maintains law and order and enforces rule of law. Persons working in Police department should have high degree of integrity and remarkable character. Petitioner, if allowed to be continued, we cannot imagine what sort of malpractice would he be doing during the course of his employment in the Police department. It is not good for the police department and the society. Therefore, he was rightly removed from service. His Appeal, Review Petition and Mercy Petitions have all been rejected by the concerned authorities.

8.For the reasons stated above, this Court finds that, there is no reason to take a different view of the matter. In this view of the matter, this Court confirm the Government order issued in G.O.(3D) No.66 Home (Police.V) Department dated 29.11.2010 passed by the 1st Respondent and Rc.No.179197/APIV(2)/2007 dated 21.11.2007 passed by the 2nd Respondent and Rc.No.G1/213/6515/06 P.C.6/2004 dated 29.06.2006 passed by the 3rd Respondent and Rc.No.G1/84/2523/06 P.R.6/2004 dated 07.04.2006 passed by the 4th Respondent and G1/7290/2004 PR.No.06/2004 College Order No.60/2006 dated 06.02.2006 passed by the 5th Respondent. Accordingly, this



W.P.No.14219 of 2011

Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. Parties shall bear their own costs.

14.02.2024

Index: Yes/No
Speaking/Non speaking order
gd

To

1. The Secretary to Government,
Home (Police.V) Department,
Fort St. George, Chennai – 600 009.
2. The Director General of Police,
Mylapore, Chennai – 600 004.
3. The Inspector General of Police (Training),
Police Training College,
Ashok Nagar, Chennai.
4. The Deputy Inspector General of Police, (Training),
Police Training College,
Ashok Nagar, Chennai.
5. The Principal/Superintendent, (Training),
Police Training College,
Ashok Nagar, Chennai.



WEB COPY



W.P.No.14219 of 2011

G.CHANDRASEKHARAN.J.,

gd

Pre-Delivery Order in
W.P.No.14219 of 2011

14.02.2024