



WEB COPY



W.P. No.12076 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HON'BLE MS. JUSTICE R.N. MANJULA

W.P. No.12076 of 2021

N. Sarguna

Petitioner

v

1 The State of Tamil Nadu
represented by the Secretary to Government
Education Department
Fort St. George
Chennai 600 009

2 The Director of Elementary Education
Chennai 600 006

3 The District Elementary Education Officer
Tirunelveli

4 The Additional Assistant Elementary Educational Officer
Kadayam
Tirunelveli District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to retrieve the original Karnataka Teacher Training Certificate bearing Regn. No.9946 and decide on the validity of the certificate and to give monetary benefits to the petitioner for the loss of employment.

For petitioner Ms. V.S. Manimekalai

For respondents Mr. M. Rajendran
Additional Government Pleader



WEB COPY

ORDER

The petitioner, who was working as a Secondary Grade teacher with the erstwhile Gandhi Primary School, Kolayampillaiyur, was found to have produced a bogus Teacher Training Completion certificate. Hence, the Education Department initiated action against the petitioner. However, according to the petitioner, he got the said certificate from Karnataka Secondary Education Examination Board, Bangalore and the Regn. Number of the said certificate is "9946". However, in the communication addressed by the Education Department, the Registration Number of the certificate is mentioned as "9925". It is for the authority concerned to consider about the genuineness of the certificate produced by the petitioner.

2 It is pertinent to point out that the petitioner had earlier filed W.P. No.35240 of 2003 challenging his termination and recovery proceedings initiated against him. The said writ petition was allowed *vide* order dated 17.07.2017 and the matter was remitted to the first respondent therein (who is the third respondent herein), for considering afresh, after issuing notice to the petitioner and affording him an opportunity of hearing. Thus, a fresh enquiry has been initiated pursuant to the order dated 17.07.2017 passed by this Court in W.P. No.35240 of 2003.



WEB COPY

3 Now, the petitioner's grievance is that he is unable to produce the original certificate before the third respondent, as required by the third respondent *vide* proceedings dated 13.02.2018.

4 This Court's attention was drawn to the proceedings of the second respondent dated 05.12.1988, wherein, it is stated that the petitioner's original certificate is forwarded to the third respondent.

5 Based on the aforesaid proceedings, the learned counsel for the petitioner contended that when the original certificate is in the possession of the third respondent, the third respondent cannot pass any orders requiring the petitioner to produce the original certificate.

6 Since the second respondent has forwarded the petitioner's original certificate to the third respondent, the third respondent can take up the same for the purpose of enquiry and he need not require the petitioner to produce the original certificate which is in his possession.



W.P. No.12076 of 2----

WEB COPY

7 In such perspective of the matter, the third respondent shall consider the retention of the petitioner's original certificate in his office and take it up for the purpose of enquiry without insisting upon the petitioner to produce the same and appropriate orders shall be passed in accordance with the direction given by this Court *vide* order dated 17.07.2017 in W.P. No.35240 of 2003.

This writ petition stands disposed of with the above directions. Costs made easy.

30.01.2024

cad



W.P. No.12076 of 2017

To

WEB COPY

- 1 The Secretary to Government
Education Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Director of Elementary Education
Chennai 600 006
- 3 The District Elementary Education Officer
Tirunelveli
- 4 The Additional Assistant Elementary Educational Officer
Kadayam
Tirunelveli District



WEB COPY



W.P. No.12076 of 2021

R.N. MANJULA, J.
cad

W.P. No.12076 of 2021

30.01.2024