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W.P.No.6684 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6684 of 2022
and W.M.P.No.6768 of 2022

R.Rekha

.. Petitioner

Versus

1. The Principle Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.
4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
5. The District Educational Officer,
Krishnagiri District,
Krishnagiri.
6. The District Employment Officer,
Krishnagiri District,
Krishnagiri.

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.1883/2019/F, dated 24.02.2022 and the consequential order passed by the 5th respondent in proceedings Na.Ka.656/Aa1/2019, dated 11.03.2022 and quash the same and consequently, direct the respondents to issue genuineness for the Destitute Widow Certificate obtained by the petitioner in Roc.No.3073/2011/F, dated 07.10.2011 within a stipulated period.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.G.Velu,
Additional Government Pleader,
for RR-1 to 3

: Mrs.S.Mythreye Chandru,
Special Government Pleader,
for RR-4 and 5

ORDER

This Writ Petition is filed to quash the impugned order of the third respondent, dated 24.02.2022 and the consequential order of the fifth respondent, dated 11.03.2022 and consequently, to direct the respondents to issue genuineness for the Destitute Widow Certificate obtained by the petitioner on 07.10.2011 within a stipulated period.



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2. Upon being selected, the petitioner was appointed as a Lab Assistant in the year 2017. When, subsequently, she was directed to produce the original certificates, it was submitted on her behalf that she lost all her original certificates. But, subsequently, it was verified that the Destitute Widow Certificate produced by her did not match up with any corresponding files. Therefore, upon verifying the same, ultimately, an order was passed by the third respondent on 24.02.2022 holding that the certificate produced by the petitioner is not issued by the concerned office and that it is not true. Based on the same, the order was passed terminating her from the services on 11.03.2022. Aggrieved by the same, the present Writ Petition is filed.

3. It can be seen from the contents of the order, dated 24.02.2022 that three discrepancies were noted and it was further discussed that instead of being issued by F - Section, the certificate has been issued through G - Section. Therefore, the said order does not give any categorical finding as to whether the certificate is bogus or unauthorisedly and wrongfully issued by some officer. Therefore, the petitioner has preferred an appeal as against



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the said order on 10.03.2022. Though the same is addressed to the Chief Secretary, Chennai, the copy has been marked to the District Collector, Krishnagiri District. Therefore, the same can be treated as an appeal before the District Collector, Krishnagiri District.

4. The question is whether the petitioner is a usurper of the post by wrongfully describing her as a Destitute Widow or not?

5. The impugned order also does not specifically say that she is a usurper of the post and that she is not a Destitute Widow. On the other hand, it only doubts the certificate produced by the petitioner by mentioning the serial numbers of the other files and therefore, concludes that the certificate is not valid. It is not the case of the respondents that it is a bogus or forged certificate. In that view of the matter, I am of the view that for the present, terminating the services of the petitioner, based on the order of the Revenue Divisional Officer/the third respondent cannot be found fault with. However, the petitioner filed an appeal before the District Collector, Krishnagiri District against the order of the Revenue Divisional Officer.



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6. The District Collector shall consider the said appeal on its own merits. The District Collector can also take into consideration whether the petitioner is a Destitute Widow or not by calling for particulars as to whether her husband passed away in the year 2017, whether she has any property or not and whether she is qualified for the certificate of Destitute Widow. Therefore, by considering the said particulars, a decision can also be taken on merits as to whether she is a Destitute Widow or not or whether the certificate presented by her could be validated or not. If it is the case that the petitioner forged the certificate, then, certainly, that is a different question. If only the certificate does not match the file number or the proceedings, then, atleast in the appellate stage, the appellate authority can cause a detailed enquiry and can determine whether the petitioner is a Destitute Widow or not concerning the particular date and accordingly, determine the appeal by taking into account all the circumstances of the case. Depending on the outcome of the appeal, the question of reinstatement of the petitioner into services can be decided afresh.

7. In view thereof, this Writ Petition is disposed of on the following terms :-



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(i) The second respondent is directed to consider the appeal of the petitioner, dated 10.03.2022 and by giving an opportunity of personal hearing to the petitioner, decide the same on merits in accordance with law specifically concerning the observations made herein above, within three months from the date of receipt of a copy of this order;

(ii) Depending on the outcome of the order that will be passed by the appellate authority, the authorities can revisit the order of termination of services of the petitioner accordingly;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.06.2024

Neutral Citation : no
grs

To

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Krishnagiri District,
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3. The Revenue Divisional Officer,



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Krishnagiri District,
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4. The Chief Educational Officer,
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D.BHARATHA CHAKRAVARTHY, J.

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