



WEB COPY



W.P.No. 27425 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27425 of 2022

and

W.M.P.Nos.26616 & 26621 of 2022

P.Prema

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Petitioner

Vs

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2. The Secretary to Government,
Department of School Education,
Fort St. George, Chennai – 600 009.

3. The Commissioner,
Department of School Education,
DPI Complex, 17, College Road,
Subba Road Avenue, Nungambakkam,
Chennai – 600 006.

4. The Director,
Department of School Education,
DPI Complex, 17, College Road,
Subba Road Avenue, Nungambakkam,
Chennai – 600 006.



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5. The Director,
Directorate of Government Examinations,
Department of School Education,
DPI Complex, 17, College Road,
Subba Road Avenue, Nungambakkam,
Chennai – 600 006.

6. The Joint Director,
Department of Government Examination (Higher)
DPI Complex, 17, College Road,
Nungambakkam, Chennai – 600 006.

7. The Chief Educational Officer (CEO)
Chief Educational Office,
NH-67, Coimbatore-Ooty Kundalpet Highway,
Kathadi Mattam, Udthagamandalam,
Nilgiri – 643 001.

8. The District Educational Officer (DEO)
District Educational Office,
Gudaloor Taluk, Gudaloor, Nilgiris District – 643 212.

9. The Assistant Director,
O/o. The Director of Government Examinations,
Udthagamandalam, Nilgiris District – 643 001.

10. The District Elementary Educational Officer (DEEO),
O/o. District Collector's additional complex,
Pinkerpost, Udthagamandalam,
Nilgiris District – 643 001.

11. The Assistant Elementary Educational Officer (AEEO)
Aka @ Block Elementary Educational Officer (BEEEO)
Health Camp, Gudaloor, Nilgiris District – 643 212.

12. K.Vasanth Kumari Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent and quashing the impugned order dated 15.03.2022 vide Na.Ka.No. 100084/ V4/ 2021 which is perverse , arbitrary, *per se* illegal, and untenable and consequentially directing the respondents 4 to 11 herein to take appropriate steps and necessary action to return the petitioner's original Higher Secondary Course Mark Sheet bearing Registration No. 621656 and Certificate Number A1755960 dated 21.05.1990 which is presently in their custody and also issue genuineness certificate of the same based on the petitioners representation dated 15.02.2022.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mrs.S.Mythereya Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 15.03.2022 in Na.Ka.No.100084/V4/2021 passed by the fifth respondent, thereby declared that there was a correction in +2 mark sheet by adding the initial of the petitioner as “P” in front of her name and as such, it cannot be used for six months. Only after application made to the authority concerned for duplicate certificate, it will be issued.



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as B.T.Assistant in Devan-2 Panchayat Union Middle School at Devarsolai Union, Gudaloor Taluk, Nilgiris District on 30.01.2012. After completion of her probation period, she submitted an application for obtaining certificate of completion of probationary period and refund of arrears with regard to her surrender of leave through the 12th respondent in the year 2014. However, the 12th respondent demanded money and as such, the petitioner lodged a complaint before the 4th respondent. Pursuant to the same, the Writer, viz., Chandiran, begged his burden to withdraw the complaint. Once again, the petitioner applied for obtaining the certificate of completion of probation period and refund the arrears with regards to her surrender leave through the 12th respondent. Again the 12th respondent demanded illegal gratitude. Therefore, the petitioner and her husband lodged a complaint before the second respondent. Hence, the respondents 8 to 11 had a grudge over the petitioner initiated the disciplinary proceedings and issued charge memo. Therefore, the petitioner filed an appeal as against the charge memo dated



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03.05.2016. However, without conducting any enquiry and without following the principles of natural justice, the 8th respondent initiated disciplinary proceedings as against the petitioner by an order dated 24.03.2017.

4. While being so, the petitioner had completed her Post Graduate in Science and submitted her certificate for claiming her incentive. The 7th respondent had received her original and xerox copies of the Higher Secondary School Certificate. At that time, there was no any correction in her +2 mark sheet. However, according to the respondents, there was correction in the initial by pen in the +2 mark sheet. Therefore, the petitioner was served with a show cause notice to submit her explanation. By calling upon the respondents to produce the original +2 certificate and before the name, the initial of the petitioner has been inserted as “P” in ink pen.

5. A perusal of the +2 mark sheet shows that it also contains the initial of the petitioner as “P”. According to the petitioner, there was no occasion to correct the certificate. If at all, it was corrected in ink pen, it would not have been received by the respondents.



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6. A perusal of the counter filed by the learned Special Government Pleader appearing for the respondents reveals that the +2 certificate of the petitioner was corrected unauthorisedly. Therefore, the petitioner was served with a show cause notice and calling upon the petitioner to submit her explanation within a period of ten days. However, no explanation was submitted by the petitioner. However, now the submission period has lapsed and as such, the petitioner can very much apply for duplicate certificate for her higher secondary certificate. Further, on verification, it was found that the +2 certificate produced by the petitioner is genuine one.

7. As far as the petitioner is concerned, there was no need for her to make any correction in the +2 certificate. However, a doubt arose as to who corrected the initial of the petitioner in the original mark sheet. Since now the said certificate cannot be used for any purpose and there was a correction in the initial of the petitioner, the petitioner is directed to apply for duplicate +2 mark sheet within a period of two weeks from the date of receipt of a copy of this order. The 10th respondent is directed to issue duplicate +2 mark sheet to the petitioner.



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8. Insofar as the enquiry pending against the petitioner is concerned, the petitioner is directed to submit her explanation within a period of two weeks from the date of receipt of a copy of this order. The petitioner is at liberty to submit his explanation within a period of two weeks from the date of receipt of a copy of this order and proceed with enquiry, if any.

9. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

05.02.2024

Index: Yes/No
Speaking Order: Yes
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