



*W.P.(MD)Nos.9757 & 9758 of 2024
and W.M.P(MD)Nos.8812 to 8814 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.9757 & 9758 of 2024

and

W.M.P(MD)Nos.8812 to 8814 of 2024

W.P(MD)No.9757 of 2024:

P.Thanga Andi

... Petitioner

VS

1.The District Collector,
Madurai District,
Madurai.

2.The Personal Assistant (Development) to the
District Collector,
Madurai District,
Madurai.

3.The Block Development Officer(Panchayats),
Madurai West Panchayat Union,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the entire records connected with the impugned suspension order passed by the 2nd respondent in Na.Ka.No.4923/2015/Oo.Va-8, dated 27.12.2022 and quash



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the same and directing the respondents to reinstate the petitioner in service with all attendant monetary benefits without any break in service.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

* * * * *

W.P(MD)No.9758 of 2024:

P.Thanga Andi ... Petitioner

vs

1.The District Collector,
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Madurai.

2.The Personal Assistant (Development) to the
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Madurai District,
Madurai.

3.The Block Development Officer(Panchayats),
Madurai West Panchayat Union,
Madurai – 625 002. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorari, to call for the entire records connected with the impugned memo passed by the 2nd respondent in Na.Ka.No. 4923/2015/Oo.Va.8, dated 07.02.2023 and quash the same.



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For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

* * * * *

COMMON ORDER

Both writ petitions have been filed by the Panchayat Secretary of the Samayanallur Town Panchayat in Madurai District, challenging the suspension order dated 27.12.2022 and the charge memo dated 07.02.2023.

2.According to the learned Counsel appearing for the writ petitioner, the writ petitioner was appointed as a Clerk in Vayalur Panchayat on 01.11.1996 and subsequently he was re-designated as Panchayat Secretary and posted at Samayanallur Town Panchayat in Madurai District. He further submits that at the time of his appointment as clerk in Vayalur Panchayat, he had submitted his SSLC Transfer Certificate and two SSLC Mark Certificates. Based upon the said certificates, he was appointed as Clerk. Queries were raised with regard to the educational qualification. Continuously, memos were issued to the writ petitioner directing him to produce the SSLC mark Certificate to show that he has passed in all the subjects. Ultimately, since he had not produced the SSLC Mark Certificate



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on the ground that he had not passed in all the subjects, he has been placed under suspension and a charge memo has been issued.

3. According to the learned Counsel appearing for the writ petitioner, a pass in SSLC examination is not a requisite qualification at the time of his appointment. Therefore, even though he has not passed in two subjects in SSLC examination, he was appointed as Panchayat Clerk. Therefore, at this length of time, the said issue cannot be raised by the Authorities. The learned Counsel appearing for the petitioner further contented that the Personal Assistant(Development) to the District Collector, Madurai District, is not the competent authority. Hence he has prayed for allowing both the writ petitions.

4. Per contra, the learned Counsel appearing for the respondents authority has contended that SSLC was a required mandatory qualification at the time of appointment of the writ petitioner as Panchayat Clerk and he had placed some fake certificate before the authorities to make entry in the Service Register book and therefore, the petitioner has been placed under



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suspension and charge memo has been issued. He further contented that explanation has also been submitted by the writ petitioner.

5.Considering the above said facts, that there is serious allegations as against the writ petitioner with regard to the production of fake SSLC mark certificates at the time of his appointment, this Court is not inclined to entertain the writ petition challenging the suspension order or the charge memo. However, considering the fact that the charge memo has been issued on 07.02.2023 and the petitioner has submitted his explanation on 20.02.2023, this Court directs the respondent authority to complete the enquiry on or before 31.12.2024.

6.With the said observations, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

RJR

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