



W.P.(MD)No.12456 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12456 of 2024

and

W.M.P.(MD).Nos.11074, 11077 and 11081 of 2024

P.Siva

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Chennai-600 005.
2. The Superintendent of Prison,
The Central Prison,
Palayamkottai,
Tirunelveli District.
3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Park Town, Voc Nagar,
Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in No.897/KiSi2/2018 dated 08.06.2024 on the file of the Respondent No.2 and to quash the same as illegal and consequently



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for a direction, directing the Respondent No.2 to return all original certificates such as 1) Xth Standard Leaving Certificate, 2) Higher Secondary Course Certificate, 3) B.Sc Degree Certificate 4) Community Certificate and all other original certificates within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik

For R-1 & R-2 : Mr.N.Ramesh Arumugam,
Government Advocate

For R-3 : Mr.V.Paneer Selvam

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.G.Karthik, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for respondent Nos.1 and 2 and Mr.V.Paneer Selvam, learned Standing Counsel appearing for the third respondent.

3. This Writ Petition has been filed to challenge the impugned proceedings in No.897/KiSi2/2018, dated 08.06.2024 on the file of the second respondent and consequently to direct the second respondent to return all



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original certificates such as 1) Xth Standard Leaving Certificate, 2) Higher Secondary Course Certificate, 3) B.Sc Degree Certificate 4) Community Certificate to the petitioner.

4. The petitioner is appointed as 'Assistant Jailor' in the Sub Jail, Ambasmudram on 26.02.2018 and he joined on the same date. By the order of the second respondent / the Superintendent of Prison, the petitioner had undergone training at Vellore Academy of Prison and Conditional Administration for a period of one year. On 31.01.2019, the petitioner requested the second respondent to relieve him from service with effect from 01.02.2019 by stating his family circumstances. However, his request to relieve from service was rejected on 14.02.2019 by the second respondent stating that he has to reimburse the salary paid to him to the tune of Rs.3,51,463/- (Rupees Three Lakhs Fifty One Thousand Four Hundred and Sixty Three only) during the training period to the Department.

5. The petitioner has already filed a Writ Petition in W.P.(MD).No.17800 of 2019 challenging the above said order dated 14.02.2019 and seeking a direction to the second respondent to relieve him from service and the same is pending before this Court. The petitioner had applied to the post under Group-



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II A Services called for by the third respondent / TNPSC through its Notification dated 23.02.2022 and the petitioner has appeared in the selection process and he has reached the zone of consideration. The petitioner has been called for Certificate verification to be conducted on 13.06.2024. When the petitioner applied to return back his original certificates, the same was refused vide Order dated 08.06.2024 stating for the very same reason that he has to return the amount of Rs.3,51,463/- (Rupees Three Lakhs Fifty One Thousand Four Hundred and Sixty Three only) spent towards the salary paid to him during the training period.

6. Mr.C.Karthik, learned counsel appearing for the petitioner submitted that in similar circumstances, a similarly placed candidate has been relieved from service after he paid the amount as claimed by the second respondent. However, when the individual has subsequently filed a Writ Petition in W.P. (MD).No.13390 of 2019 by challenging the recovery, an order has been passed to consider his request. After considering his request, the Government has issued a Government Order in G.O.(Ms).No.432, Home (Prison-II) Department, dated 11.04.2022 stating that the petitioner involved in that case, viz., M.Vinoth Kumar did not execute any agreement and hence, the amount recovered from him was ordered to be reimbursed to him. However, the reimbursement was



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ordered to be made against the officials who were responsible for non-execution of the agreement as mandated by the Special Rules pertaining to imparting the training.

7. Even in this case, the second respondent has not stated that the petitioner had executed any agreement according to the Rules to claim recovery from him. But, however the petitioner had challenged the order dated 14.02.2019 by filing a Writ Petition in W.P.(MD).No.17800 of 2019 and the same is still pending. Now considering the urgency of the petitioner and enable him to attend the certificate verification and also considering the fact that the petitioner has not executed any agreement to repay the amount spent on his salary during the period of his training in case if he is relieved from service, I feel that a direction should be given to the second respondent to return the original certificates to the petitioner as claimed by him in order to enable him to participate in the Certificate verification which is going to be held today i.e., 13.06.2024. But, however, the petitioner's liability to pay a sum of Rs. 3,51,463/- (Rupees Three Lakhs Fifty One Thousand Four Hundred and Sixty Three only) as claimed by the second respondent will depend upon the outcome of the Writ Petition in W.P.(MD).No.17800 of 2019.



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WEB COP 8. In view of the above, the Writ Petition is **disposed of** with a direction to the second respondent to return the original certificates to the petitioner forthwith. Consequently, connected miscellaneous petitions are closed. No costs.

13.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

Note : Issue Order copy by 13.06.2024

To

1. The Secretary,
the State of Tamil Nadu,
Home Department,
Chennai-600 005.
2. The Superintendent of Prison,
The Central Prison,
Palayamkottai,
Tirunelveli District.
3. The Secretary,
Tamil Nadu Public Service Commission,
Park Town, Voc Nagar,
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R.N.MANJULA, J.

TSG

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