



W.P.(MD).No.24375 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24375 of 2024

and

W.M.P(MD)Nos.20695, 20696 and 20698 of 2024

M.Chitra

... Petitioner

-VS-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Child Development Project Officer,
Devakottai Taluk,
Sivagangai District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Se.Mu.Na.Ka.No.843/A1/2023 dated 23.09.2024 and quash the same as illegal and consequently to direct the respondents to reinstate the petitioner in service and consequently to direct the respondents to disburse the petitioner's subsistence allowance with arrears within the period that may be stipulated by this Court.



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For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant writ petition has been filed by a Mini Anganwadi Worker challenging the order of the dismissal passed by the first respondent on 23.09.2024.

2.The petitioner herein was originally appointed as Mini Anganwadi Worker on 24.10.2018 on the basis of the SSLC marks statement submitted by her. It is not in dispute that for being appointed as an Mini Anganwadi Worker, the candidate should have passed SSLC.

3.Later, when the certificate was sent for verification, it was found that the SSLC marks statement produced by the writ petitioner is fake and enquiry proceedings were initiated as against the writ petitioner. Ultimately a final orders were passed on 23.09.2024 declaring that the certificate produced by the writ petitioner is a fake one and an order of dismissal came to be passed. This order is under challenged in the present writ petition.



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4. According to the learned counsel appearing for the writ petitioner, the petitioner had appeared for SSLC examination through a private tutorial and the mark statement given by them has been placed on record before the authorities, when she was appointed and therefore, she is not aware of the same. It is the further contention of the writ petitioner that she had completed 8th standard and therefore, the said qualification is enough for being appointed as Mini Anganwadi Worker.

5. Per contra, the learned Government Advocate appearing for the respondents had contended that the petitioner had appeared, through private tutorial, for SSLC examination for March 2021 and she had failed in all the subjects. However, the petitioner has produced another SSLC marks statement, as if she has passed in all subjects by appearing in the same examination viz., March 2021. Therefore, the petitioner was very well aware of the fact that she is producing a fake SSLC mark statement at the time of her appointment as Mini Anganwadi Worker. Hence, he prays for dismissal of the writ petition.

6. A perusal of the records clearly indicate that the petitioner, having knowledge about the SSLC mark statement, has produced, which is not a



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genuine and it is found to be fake later and therefore, the authorities do not have any other option than to dismiss the writ petitioner from the service.

7.In such circumstances, this Court is of the considered opinion that there is no legally acceptable reasons to entertain this writ petition. The learned counsel for the petitioner has prayed for payment of subsistence allowance during the period of suspension between 13.12.2023 to 22.09.2024. From the typed set of papers, it could be seen that such an order has been passed by this Court in W.P(MD)No.8638 of 2024 on 05.04.2024, directing the authorities to pay the subsistence allowance. Therefore, such an order need not be passed again.

8.In view of the above said facts, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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