



WEB COPY



W.P.No.312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

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THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.312 of 2024

S.Santhosh Mary ... Petitioner
-Versus-

- 1.The Director,
Integrated Child Development Service Scheme,
Child Development Department,
Government of Tamilnadu,
Tharamani, Chennai – 600 113.
- 2.The Collector,
Thiruvellore District,
Thiruvellore – 602 001.
- 3.District Project Officer,
O/o. District Project Office,
Integrated Child Development Service Scheme,
Collectorate, Thiruvellore District,
Thiruvellore – 602 001.
- 4.The Child Development Project Officer,
BDO Officer Complex,
Gummidipoondi,
Gummidipoondi Taluk,
Thiruvellore District – 601 201. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus after calling for the records relating to the order Na.Ka.No.1579/A2/2021 dated 01.12.2023 of the 2nd respondent,



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quash the same and consequently, direct the respondent to reinstate the petitioner.

For Petitioner : Mr.S.T.Varadarajulu

*For Respondent 1 : Mr.S.Yashwanth,
Additional Government Pleader*

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order in Na.Ka.No.1579/A2/2021 dated 01.12.2023 passed by the second respondent, the Collector Tiruvallur District and quash the same.

2. The petitioner seeks reinstatement to the post of Child Welfare Organiser in the office of the third respondent, the District Project Officer, Integrated Child Development Service Scheme, Collectorate, Tiruvallur District.

3. In the affidavit filed in support of this writ petition, it had been stated that the petitioner had been appointed as a Child Welfare Organiser under the third respondent in the year 1982. She will have to supply food to the children



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in Anganvadi centres. It is claimed that she had studied eighth standard. She had given a Transfer Certificate from Pallipalayam Middle School. She completed her eighth standard in June 1976. Thereafter, it had been stated that a charge memo had been issued claiming that the petitioner had forwarded a false certificate. It had been stated that she was placed under suspension from 14.08.2023. Thereafter, she was directed to give an explanation. The petitioner gave an explanation on 12.09.2023. Another show cause notice was issued in November 2023. The petitioner also gave a reply on 18.11.2023. It is contended that without conducting any enquiry, the impugned order was passed by the second respondent, the District Collector, Tiruvallur District and dismissed the petitioner from service.

4. Learned counsel for the petitioner pointed out that the impugned order had been passed without affording appropriate opportunity to the petitioner to participate in the enquiry proceeding.

5. But however, the learned Special Government Pleader contested that particular statement by pointing out that four separate letters have been issued calling upon the petitioner to produce the original Educational Certificate.



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Since the original certificates have not been produced, the respondents had also called for a report from the District Educational Officer, who had also furnished a report stating that the certificates produced at the time of appointment is a false certificate. It was only thereafter, the impugned order was passed.

6. There are two different versions given namely, the petitioner was not afforded proper opportunity and that the petitioner was afforded opportunity. One fact which this court will have to take into consideration is the post which the petitioner held namely Child Welfare Organiser in Anganwadi which is group D Service. Naturally, the petitioner may not be aware of the circumstances surrounding the failure to attend the enquiry and the implications thereof. The petitioner had asserted that she had completed her eighth standard and her certificates are genuine. If any report had been obtained from any source, the petitioner should also be given an opportunity to challenge that particular report which stated that the certificates produced by her were false certificates.

7. The impugned order is set aside. But the petitioner is not reinstated in service. But a direction is issued to the second respondent / Collector,



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Tiruvallur district to conduct an enquiry once again either by himself or any other officer competent to conduct enquiry. The petitioner must be given an opportunity to question and challenge any report forwarded by the District Educational Officer regarding the genuinity of the certificates. The petitioner must be given full opportunity to contest the case. Fresh order on completion of enquiry must be passed within a period of four months from the date of receipt of a copy of this Order.

8. This writ petition stands disposed of, with the above directions. No costs.

12.02.2025

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

To

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C.V.KARTHIKEYAN, J.

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