



W.P.No.1967 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1967 of 2023
and WMP.Nos.2045 & 2046 of 2023

S.Manikandan
S/o.Solaiappan
Formerly Assistant
Agriculture Department
Fort St.George, Chennai – 600 009.

... Petitioner

Vs

1.The Secretary to Government
Agriculture and Farmers Welfare (OP.2) Department
Fort St.George, Chennai – 9.

2.The Deputy Secretary to Government
Agriculture and Farmers Welfare Department
Fort St.George, Chennai – 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in connection with the impugned order passed by him in G.O.(D) No.287, Agriculture & Farmer Welfare (OP.2) Department dated 01/12/2022, quash the same and direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits and grant such other relief as this Court deem fit in the circumstances of the case.



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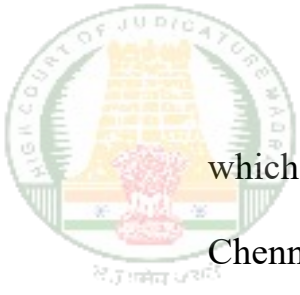
For Petitioner : Mr.M.Muthappan

For Respondents : Mr.P.Anand Kumar
Government Advocate for R1 & R2

ORDER

The writ petition has been filed seeking to quash the impugned order passed by the second respondent in G.O.(D) No.287 Agriculture and Farmer Welfare (OP.2) Department, dated 01.12.2022, and to direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

2. The petitioner's father who served as Section Officer in the Secretariat, had died on 04.04.2005. The petitioner made a request seeking appointment on compassionate grounds. His application was considered and based on the educational qualifications possessed by the petitioner, he was appointed as Assistant in the Tamil Nadu Secretariat Service, on 27.02.2007. He was kept under probation for a period of two years. During this period, he had passed the Departmental Examinations. Since his appointment was exclusively within the purview of the Service Commission, for regularizing his services, necessary concurrence have to be obtained from the concerned educational authorities, for



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which purpose, his certificates were sent to the Directorate of School Education, Chennai, Director of Government Education, and University of Madras. On verification of the mark sheets, the Secretary, Department of Government Education found there was a mismatch of records and hence, directed the respondent-Department to sent the original certificates of the petitioner.

3. The petitioner was unable to produce the mark sheets as the same was destroyed by his wife on account of family dispute and the same was informed to the respondents vide his reply dated 07.12.2020. Thereafter, there was no enquiry on this issue nor any memo was issued to the petitioner, and the petitioner has been under probation till date.

4. Be that as it may, the second respondent issued the impugned order dated 01.12.2022, terminating the services of the petitioner on the ground that the petitioner's HSC (+2) mark sheet was found to be forged. The impugned order came to be passed following the Rule 17(b) 17(d)(iv) of the Tamil Nadu Civil Supplies (D&A) Rules.

5. The petitioner would contend that since he had successfully completed his probation period, serving in the respondent-Department for more than 14



years, the impugned order came to be passed without issuing any show cause notice to him, is in total violation of principles of natural justice. His contention is that even assuming that he had submitted a forged certificate, the respondents ought to have followed the procedures contemplated under the Tamil Nadu Civil Supplies (D&A) Rules, by initiating charge memo proceedings and conducting an enquiry, and if he was found proved of charges, then the respondents can impose a punishment. But the respondents have failed to do so and had terminated the petitioner from services. Thus, they had violated the settled procedure established under law for termination of service of an individual who had put in more than 14 years of service. He would further submit that terminating him from service has caused irreparable damage to his career and to his livelihood. Hence, the petitioner is before this Court to quash the impugned order.

6. The respondents have filed their counter affidavit wherein they have alleged that the petitioner was initially appointed as Assistant on compassionate grounds on temporary basis under Rule 10(a)(1) of General Rules for Tamil Nadu State and Subordinate Services, on 27.02.2007. Consequent to his provisional appointment, he joined the duty as Assistant in Agriculture Department on 01.03.2007, in the scale of pay Rs.3625-85-4900. As per the



Special Rules of Tamil Nadu Secretariat Service, a Bachelor Degree and 30 years of upper age limit are the requisite qualifications for appointment as Assistant in the Department of Secretariat. Based on the rule position, to ascertain the genuineness of original certificates produced by the petitioner, his certificates were sent to the authorities concerned. The Directorate of Government Examination, on scrutiny of his certificates, vide its letter 28.09.2011, had informed the respondents that there is a variation between the photostat copy of the mark sheet produced by the petitioner and the tabulated mark register maintained in their office, and hence required the petitioner to produce his original certificates. This was conveyed to the petitioner, but, the originals had not reached the respondents till 15.06.2015. Finally, on 15.06.2015, the petitioner had addressed a letter to the second respondent seeking extension of time to produce the originals, as the original certificates were lost. This practice of the petitioner seeking extension of time in production of certificates had continued till 29.07.2017, by his correspondences dated 15.09.2016. 20.10.2016 etc., concocting many stories. In the meantime, on 24.12.2020 vide letter No.RC.No.101711/VI/2020, the Joint Director of Government Examination (HSC) had directed the respondents to take a decision to initiate criminal case against the petitioner for furnishing the fake certificate and to terminate his from services. Based on the report of the Joint Director of



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Government Examination (HSC), the services of petitioner ought to have been terminated from service long back itself. However, despite sufficient opportunity was given to the petitioner, he has not produced the original certificates. Finally, the services of the petitioner was terminated by the impugned order dated 01.12.2022, which came to be issued after following the procedures laid down under the existing Acts, Rules and instructions.

7. The respondents would further submit that only after regularizing the services of the individual, he/she can be under probation for two years. In the instant case, since the petitioner's service was not regularised, he cannot be under probation as per the Tamil Nadu Government Servants' (Conditions of Services) Act 14 of 2016. Accordingly, for non-production of original Higher Secondary certificates for verification, his services may be terminated forthwith. Since no cause has been made out by the petitioner, the petition filed by the petitioner deserves to be dismissed. Hence, they sought for dismissal of the present writ petition.

8. Heard the learned counsel on either side and also perused the materials available on records.



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9. Admittedly, the petitioner was appointed in the Agriculture Department as Assistant on compassionate grounds vide G.O.Ms.No.72, Agriculture (OP) Department, dated 27.02.2007 and he had put in 14 years of service without regularisation. Despite a direction by the authority concerned to produce the original certificates for ascertaining its genuineness, there was non-production of the originals. Therefore, the services of the petitioner was terminated vide impugned order dated G.O.(Ms) No.287, Agriculture and Farmers Welfare (OP.II) Department, dated 01.12.2022. Now the grievance expressed by the petitioner is that even assuming that the certificates produced by him was not genuine, the impugned order cannot be issued, without initiating a charge memo, conducting an enquiry and affording an opportunity of hearing to him, who had put in 14 years of service in the respondent-Department.

10. The petitioner has been terminated from services only on account of production of forged documents. Any punishment on a Government Servant can be imposed only after conducting a charge memo proceedings and issuing a show cause notice. In the instant case, the impugned order came to be passed without issuing any notice or giving an opportunity of hearing to the petitioner. Therefore, the impugned order is liable to be set aside.



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11. In the result, the writ petition is allowed and the impugned order is set aside with the following directions :

- (a) the impugned order shall be treated as a show cause notice;
- (b) the petitioner shall submit his explanation/objection to the above, within a period of two weeks from the date of receipt of a copy of this order;
- (c) on receipt of the explanation/objection from the petitioner, the second respondent shall pass orders within a period of three months, after giving a personal opportunity of hearing to the petitioner, to present his case.

No costs. Consequently, connected miscellaneous petitions are closed.

03.12.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
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To:

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Agriculture and Farmers Welfare (OP.2) Department
Fort St.George, Chennai – 9.

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P.T. ASHA, J,

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