



*Crl.R.C.Nos.1708 & 1711 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.1708 & 1711 of 2024

Vijayakumar

... Petitioner in Crl.R.C.  
No.1708 of 2024

Punithavathi

... Petitioner in Crl.R.C.  
No.1711 of 2024

Vs.

The State rep. by  
The Inspector of Police,  
District Crime Branch,  
Thiruvannamalai,  
Thiruvannamalai District.  
(Crime No.9/2017)

... Respondent in both  
Crl.R.Cs.

**COMMON PRAYER:** Criminal Revisions have been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records on the file of the learned Principal District and Sessions Judge, Thiruvannamalai, Thiruvannamalai District in Crl.A.No.37 of 2019 by judgment dated 25.09.2024 and confirming the judgment and sentence passed by the learned Judicial Magistrate No.I, Thiruvannamalai, Thiruvannamalai District in C.C.No.350 of 2017 dated 11.10.2019 and set aside the judgment dated 25.09.2024.

In both Crl.R.Cs.



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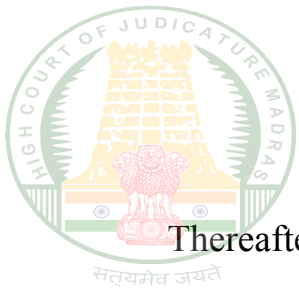
For Petitioners : Mr.N.U.Prasanna

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl. Side)

### **COMMON ORDER**

These Criminal Revisions have been preferred challenging the judgment dated 25.09.2024 passed by the learned Principal District and Sessions Judge, Thiruvannamalai District, in Crl.A.No.37 of 2019, confirming the judgment dated 11.10.2019, passed by the learned Judicial Magistrate No.I, Thiruvannamalai District, in C.C.No.350 of 2017, thereby convicted and sentenced the petitioners for the offences punishable under Sections 465, 468, 471 & 420 of IPC.

2. The petitioner in Crl.R.C.No.1708 of 2024 is arrayed as the first accused and the petitioner in Crl.R.C.No.1711 of 2024 is arrayed as the second accused. The case of the prosecution is that in the year 2013, the Teachers Eligibility Test was conducted by the Teachers Recruitment Board, Chennai, in which both the petitioners had participated and secured 68 and 53 marks respectively out of 150 marks in part-II paper. The eligibility mark was fixed at 82 marks out of 150 marks for appointment to the post of Teacher. Therefore, the petitioners were not called for any counselling for the post of Teacher.



Thereafter, both fraudulently prepared the forged appointment orders as if they had secured 93 and 101 marks respectively out of 150 marks and joined in the Government High School, Melmattai, Vinnamangalam, Thiruvannamalai District as Social Science Teacher and English Teacher on 26.09.2014 & 27.09.2014 respectively. They received salary to the tune of Rs.10,07,990/- each.

3. While being so, on 15.06.2016, one Baskaran lodged complaint before the Chief Minister Special cell and the same was forwarded to the Chief Education Officer of Thiruvannamalai District. Thereafter, he lodged complaint and the same was registered in Crime No.9 of 2017 for the offences punishable under Sections 465, 468, 471 & 420 of IPC. After completion of investigation, the respondent filed final report and the same was taken cognizance by the trial Court in C.C.No.350 of 2017.

4. In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.16 and marked documents in Ex.P.1 to Ex.P.23. On the side of the accused, no one was examined and they marked documents as Ex.D.1 & Ex.D.2. On perusal of oral and documentary evidences, the trial Court found both the accused guilty for the offences punishable under Sections



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465, 468, 471 & 420 of IPC and sentenced them as follows :-

| S.No. | Conviction         | Sentence                                                                                                                                           |
|-------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Section 465 of IPC | to undergo simple imprisonment for a period of two years and to pay fine of Rs.500/- , in default to undergo simple imprisonment for three months. |
| 2     | Section 468 of IPC | to undergo simple imprisonment for a period of two years and to pay fine of Rs.500/- , in default to undergo simple imprisonment for three months. |
| 3     | Section 471 of IPC | to undergo simple imprisonment for a period of two years and to pay fine of Rs.500/- , in default to undergo simple imprisonment for three months. |
| 4     | Section 420 of IPC | to undergo simple imprisonment for a period of two years and to pay fine of Rs.500/- , in default to undergo simple imprisonment for three months. |

The above sentences are ordered to run concurrently. Aggrieved by the same, the petitioners preferred an appeal and the appellate Court dismissed the appeal by confirming the order of conviction and sentence imposed by the trial Court. Hence the present revision case.

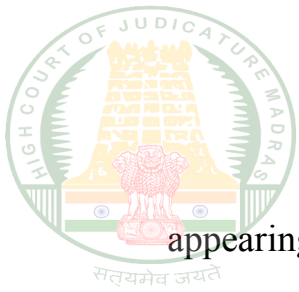
5. The learned counsel appearing for the petitioners submitted that one Baskar lodged complaint before the Chief Minister cell on 15.06.2016, who has no locus to lodge complaint. No one deposed that on the basis of the complaint lodged by the said Baskaran, report was called for from the superior officers and the alleged appointment orders were sent for verification. Further



P.W.1 to P.W.3 and P.W.9 to P.W.11 categorically deposed that service register

of both the petitioners contained all the particulars such as education certificates, appointment order and subsequent communication from the authorities about their educational qualification and issuance of appointment order. Further, the author viz., the persons who issued the appointment order produced by the petitioners were not examined by the prosecution and it is fatal to the case of the prosecution. The prosecution failed to examine material witnesses viz., Anitha and Santhi, who are the author of the appointment orders issued in favour of the petitioners. He also pointed out that there are material contradictions in the evidence of P.W.10 and other witnesses in respect of issuance of certificate, which are not supported with the certificate under Section 65-B of the Indian Evidence Act. P.W.1 deposed that on receipt of the complaint from the Chief Minister's cell without even conducting property enquiry and without verifying the records available in the service register book of the petitioners, they forwarded the appointment order for expert's opinion. Therefore, the prosecution miserably failed to prove any of the charges as against the petitioners. Even then, the trial Court as well as the appellant Court convicted the petitioners.

6. Per contra, the learned Government Advocate (Crl. Side)



appearing for the respondent submitted that both the petitioners had secured only 68 and 57 marks respectively and they were not qualified for the counselling and appointment for the post of Teacher. Even then, they fabricated the appointment orders to show that they had secured 93 and 101 marks respectively and joined in the post of Social Science Teacher and English Teachers in the Government High School, Melmattai, Vinnamangalam, Thiruvannamalai District. Immediately, on receipt of the complaint from the Chief Minister's cell, the appointment orders were sent for verification. Thereafter, it was found that neither of the petitioners secured the marks required for eligibility to be appointed as Teacher. P.W.6 to P.W.11 categorically deposed about the verification of the appointment orders produced by the petitioners, confirming their authenticity. Therefore, the prosecution categorically proved all the charges and the trial Court as well as the appellate Court rightly convicted the petitioners and it doesn't warrant any interference from this Court.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8. There are two accused in this case and both the petitioners are



arrayed as A1 and A2. The specific case of the prosecution is that they had

secured only 68 and 57 marks respectively in their Teachers' Eligibility Test.

Therefore, they were not called for any counselling to the post of Teacher.

Hence, both the accused fabricated the signature of the appointing authority

and fabricated the appointment order as if the first accused secured 93 marks

out of 150 marks and selected for the post of Social Science Teacher and joined

in the Government High School, Melmattai, Vinnamangalam, Thiruvannamalai

District, on 26.09.2014. The second accused also fabricated the signature of the

appointing authority and forged the appointment order as if he secured 101

marks out of 150 marks and he was selected to the post of English Teacher and

joined on 27.09.2014 in the Government High School, Melmattai,

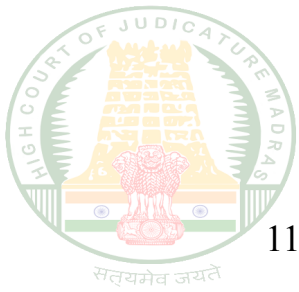
Vinnamangalam, Tiruvannmalai District.

9. As per the complaint lodged by one Baskar, there were ten members fabricated the order of appointments and joined as Teacher and as such P.W.1 viz., the Chief Educational Officer, Thiruvannamalai, was directed to conduct enquiry. Accordingly, P.W.1 called for the appointment orders which were produced by the petitioners from the Head Master of the Government High School, Melmattai, Vinnamangalam, Tiruvannmalai District. Both the appointment orders were sent to Chief Educational Officer, Chennai for



verification of its genuineness. On receipt of the said request, it was certified that the appointment orders produced by the petitioners are fake and, accordingly, further action was directed to be taken. On receipt of the said report, P.W.1 lodged complaint which was marked as Ex.P.1. On receipt of the complaint, the respondent registered the FIR in Crime No.9 of 2017 for the offences punishable under Sections 465, 468, 471 & 420 of IPC. The FIR was marked as Ex.P.21. The production of fake appointment orders and the date of joining were duly confirmed by P.W.6, who was working as an Assistant in which both the petitioners had joined as Social Science Teacher and English Teacher.

10. In order to prove the fact that the petitioners had secured only 68 & 57 marks respectively, the prosecution had examined the member of Teachers Recruitment Board as P.W.10. She categorically deposed that in the year 2013, the eligibility mark was fixed as 82. However, both the petitioners were secured only 68 & 57 marks respectively. Accordingly, she issued certificate which were marked as Ex.P.7 & Ex.P.8.



11. Further, the appointment order which were fabricated by the petitioners were sent for verification to test its genuineness. On verification, both the appointments were found to be fake. The Chief Educational Officer was examined as P.W.1. He deposed that both the appointment orders, which were produced by the petitioners were found to be fake. Further the statement of marks secured by both the petitioners were marked as Ex.P.9 and Ex.P.10. Through P.W.1, the list of selected candidates by the Teachers Recruitment Board was marked as Ex.P.12. On perusal of the selection list, it is revealed that both the accused were not figured out in the selection list. Further the signatures found in the fake appointment orders were fabricated and both the signatures were not belong to the person who authorised to sign the appointment order.

12. Further the prosecution had examined the Joint Director of School Education as P.W.12. He deposed that on the request made by the respondent with regard to the genuineness over the appointment orders of the petitioners, he issued certificates, which were marked as Ex.P.13 and Ex.P.14, as both appointment orders were not genuine. The Chief Educational Officer, Chennai, was examined as P.W.13. He categorically deposed that both the petitioners were not participated in the counselling for the recruitment of the



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Teacher and no appointment orders were issued in their favour. Hence both the trial Court as well as the appellate Court rightly convicted and sentenced them.

The minor contradictions as pointed out by the learned counsel appearing for the petitioners are not fatal to the case of the prosecution.

13. Accordingly, both the Criminal Revision Cases stand dismissed.

08.07.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

rts



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To

1. The Principal District and Sessions Judge,  
Thiruvannamalai District.
2. Judicial Magistrate No.I,  
Thiruvannamalai District.
3. The Inspector of Police,  
District Crime Branch,  
Thiruvannamalai,  
Thiruvannamalai District.
4. The Public Prosecutor,  
Madras High Court,  
Chennai.



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**G.K.ILANTHIRAIYAN. J,**

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