



W.P.(MD) No.3355 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.3355 of 2019

K.Mary Agnes Anitha

...

Petitioner

Vs

The Managing Director,
Arasu Rubber Corporation Ltd.,
Post Box No.75,
Vadasery,
Nagercoil-629 001,
Kanyakumari District.

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings Ref.No.E2/12576/18, dated 29.01.2019, and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar,
M/s.Ajmal Associates.

For Respondent : Mr.A.K.Manikkam,
Standing Counsel.



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ORDER

Under assail is the termination order, passed by the respondent, dated 29.01.2019.

2. The case of the petitioner is that she was initially appointed as Maternity Assistant on 13.12.2010 at Citar Garden Hospital, Citar, Kanyakumari District. While so, she was issued with a show cause notice, dated 21.12.2018, by the respondent, alleging that she had produced fake certificate to get appointment, and also asking why her service should not be terminated. On receipt of the said show cause notice, the petitioner submitted her explanation on 07.01.2019, refuting the allegation levelled in the show cause notice. The certificate of registration for midwife was issued by Andhra Pradesh Nurses, Midwives, Auxiliary Nurses-Midwives & Health Visitors Council, constituted under the Andhra Pradesh Nurses and Midwives (Extension Amendment) Act, 1964, after having undergone the training course for a period of 15 months from June,1991, to August,1992. Without considering the explanation submitted by the petitioner, the respondent issued the order impugned, dated 29.01.2019, terminating her service, on the sole ground that she had produced fake certificate. The order of termination



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did not contain any reason as to why the explanation submitted by the petitioner lacked merit. Hence, this Writ Petition.

3. Learned counsel appearing on behalf of the petitioner would submit that Arasu Rubber Corporation Limited was a Government of Tamil Nadu undertaking and the petitioner was deemed to be a Government servant for all purposes, as the Corporation was a State within the meaning of Article 12 of the Constitution of India. Therefore, the petitioner was entitled for protection under Article 311 of the Constitution of India. He would further submit that mere issuance of show cause notice and getting explanation was not sufficient enough to impose major punishment of removal from service.

4. Per contra, learned counsel for the respondent would submit that based on the Tamil Nadu Nurses and Midwives Council, Chennai, in its letter, dated 06.12.2018, a show cause notice was issued to the petitioner and she was directed to submit her explanation within seven days of receipt of the show cause notice. The petitioner acknowledged the receipt of the show cause notice on 26.12.2018 and submitted her explanation on 07.01.2019. He would further submit that there was a proposal that the Garden Hospital, maintained by Arasu Rubber Corporation Limited, be handed over to



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Medical/Health Department, Government of Tamil Nadu. In this connection, the Deputy Director of Health Service of Nagercoil sent all the certificates of the individuals, to be absorbed in the Health Department, from Arasu Rubber Corporation Limited to the Director of Public Health and Preventive Medicine, Chennai, vide his letter, dated 28.09.2018. On verification of the genuineness of the Midwifery Certificate produced by the petitioner, it was reported by the Tamil Nadu Nurses and Midwives Council, Chennai, in its letter, dated 06.12.2018, that the Midwifery Certificate produced by the petitioner was a fake certificate. The learned counsel would also submit that after affording sufficient opportunity to the petitioner and verifying all relevant records as per Rule 12 (f) of the Arasu Rubber Corporation Limited Rules only, the petitioner was terminated from service.

5. It is seen from the records that the petitioner was initially appointed as Maternity Assistant on 13.12.2010. As per Arasu Rubber Corporation Limited Rules, in Annexure-II, Sl.No.57, the qualification prescribed for direct recruitment of Maternity Assistant is, SSLC, with trained Midwife's Certificate. It is further seen that the hospitals and dispensaries, being maintained by Arasu Rubber Corporation Limited, were decided to be handed over to Medical/Health Department, along with staff. Therefore, the



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Board had resolved to hand over the Garden Hospital, maintained by Arasu Rubber Corporation Limited, to Medical/Health Department, Government of Tamil Nadu. While so, the Deputy Director of Health Service of Nagercoil sent all the certificates of the individuals, to be absorbed in the Health Department, from Arasu Rubber Corporation Limited, including that of the petitioner, to the Director of Public Health and Preventive Medicine, Chennai, vide his letter, dated 28.09.2018. On verification of the genuineness of the Midwifery Certificate produced by the petitioner, it was reported by the Tamil Nadu Nurses and Midwives Council, Chennai, in its letter, dated 06.12.2018.

6. At this juncture, it is relevant to refer to Rule 12 (f) of the Arasu Rubber Corporation Limited Rules, which reads as under :

"Appointment of any person in the Corporation service is liable to be terminated summarily at any time/ stage of his/her service, if it is found that he/she has given false/incorrect information regarding his/her antecedents, age, community, education, experience, income, etc."

7. In this connection, it is a *sine qua non* to extract the relevant portions of the order impugned, dated 29.01.2019, which read as under :

"On verification of the certificate of Registration for Midwife produced by you, the Registrar, Tamil Nadu Nurses and Midwives



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WEB COPY Council, Chennai vide ref. No.4306/NC/2018 dt.6.12.2018 (copy enclosed) has informed that the above certificate produced by you during the appointment is a fake certificate.

You had produced a fake certificate with an ulterior motive of getting the appointment by which you had cheated the Corporation/ Government of which, disqualifies you as a Corporation employee.

It clearly shows that you had entered into service by producing fake certificate which attracts both civil and criminal procedures under law.

For this irregularity, a show cause notice has been issued to you vide reference first cited. And on examining the explanation received from you vide reference second cited, it is found that you have not produced any evidence for the genuineness of your Certificate. Also you have obtained the job on fake certificate or the institution in which you claim to have studied is fake. In either case you are ineligible for the appointment you got. By the way of cheating to the Government/Arasu Rubber Corporation your act amounts to unbecoming of Civil servant, and violate of Rule 12 (f) Arasu Rubber Corporation Ltd. Service Rules."

8. The show cause notice, dated 21.12.2018, was issued to the petitioner and she submitted her explanation on 07.01.2019, wherein she was praying for alternative employment, based on her qualification. It was also stated therein that she did not intend to cheat any one and also narrated her family circumstances.



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9. This Court is of the view that the order impugned was passed, based on the Service Rule applicable to the writ petitioner i.e., violation of Rule 12 (f) of the Arasu Rubber Corporation Limited Rules, only after verification of genuineness of the certificate of the writ petitioner with an appropriate authority, which does not warrant any reason to interfere with. There are no merits in this petition and the same is liable to be dismissed.

10. Writ Petition is dismissed accordingly, as devoid of merit. No costs. Consequently, the connected W.M.P.(MD) No.2646 of 2019 is closed.

19.02.2025

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

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To:

The Managing Director,
Arasu Rubber Corporation Ltd.,
Post Box No.75,
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M.JOTHIRAMAN, J.

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