



W.P.(MD)No.13156 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.13156 of 2023

and

W.M.P.(MD)Nos.11125 to 11127 & 24990 of 2023

J.Earnest Jabin

: Petitioner

Vs.

1.The Director of Government Examinations,
Directorate of Government Examinations,
Chennai – 600 006.

2.The Joint Director of Government Examinations,
Director of Government Examinations,
Chennai – 600 006.

3.The Chief Educational Officer,
Office of the Chief Educational Office,
Kanyakumari District.

4.The District Educational Officer,
Office of the District Educational Office,
Marthandam, Kanyakumari District.



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5.The Correspondent,

Aided Higher Secondary School,
Kallupalam, Edaicode Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent CEO in Na.Ka.No.9853/Aa1/2021 dated 30.05.2023 and the consequential order of removal from service passed by the fifth respondent school in Ref.No.Nil dated 30.05.2023, quash the same as illegal, null and void and further direct the respondents to permit the petitioner to continue working in the 5th respondent aided higher secondary school, Kalluppallam in the post of P.G.Assistant (History) with continuity of service, all attendant benefits including the arrears of salary and allowances.

For Petitioner : Mr.Isaac Mohanlal
for M/s.Isaac Chambers

For Respondents 1 to 4 : Mr.S.Shaji Bino,
Special Government Pleader

For Respondent No.5 : Mr.S.C.Herold Singh



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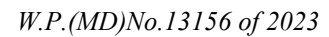
ORDER

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This Writ Petition has been filed challenging the impugned order passed by the third respondent dated 30.05.2023 and the consequential order of removal from service passed by the fifth respondent dated 30.05.2023.

2.The issue that arises for consideration in this Writ Petition is whether the petitioner could be dismissed from service when there is no clinching evidence placed on record by the respondents to prove that the petitioner had produced bogus marksheet in respect of his higher secondary examination result in the year 2015, for the purpose of getting appointed to the post of P.G. Assistant [History].

3.The petitioner categorically contends that he never submitted any bogus certificate as claimed by the respondents for seeking appointment to the post of P.G. Assistant [History]. However, according to the respondents, the petitioner had submitted bogus marksheet pertaining to his higher secondary results and has illegally obtained appointment to the post of P.G. Assistant [History] in the fifth respondent school.



5.Learned Counsel for the petitioner in support of his contention that the petitioner cannot be dismissed from service, since there is no clinching evidence produced by the respondents to prove that the petitioner had in fact submitted bogus certificates has relied upon a Division Bench judgment of this Court in the case of ***R.Sundararajan Vs. The Personal Assistant (General), to District collector, Perambalur District, Perambalur & another in W.A.No.1181 of 2021 dated 20.09.2023.*** He would submit that the following propositions were laid down in the said decision:

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b) benefit of doubt in cases of fraud being alleged against the party is to be given to the person against whom fraud is being alleged;

c) mere tendering of documents by the respondents is not a sufficient proof with regard to contents of the same.

6.Relying upon the aforesaid decision of the Division Bench, learned Counsel for the petitioner would submit that when the petitioner has categorically disputed that he had submitted bogus certificates for the purpose of getting employment, the burden of proof is on the respondents as held in the aforesaid Division Bench judgment, to prove through clinching evidence that the petitioner had in fact submitted bogus certificates for securing employment.

7.Learned Counsel for the petitioner also drew the attention of this Court to the relevant documents namely the following:

a) higher secondary mark sheet of the petitioner [re-totalling mark sheet] dated September, 2005;

b) extract from TMR register [Tabulated Mark Register] pertaining to the petitioner;

c) extract from TMR register pertaining to one Rameena.T.



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8.Relying upon the aforesaid documents, learned Counsel for the petitioner would submit that the suspicion created by the respondents that the re-valuation mark sheet produced by the petitioner pertains to Rameena.T is incorrect, since the TMR code of the petitioner matches with the TMR code of the marksheet submitted by the petitioner. He would therefore, contend that the petitioner is an innocent person and has not fabricated any document for the purpose of securing employment.

9.On the other hand, learned Special Government Pleader appearing for the official respondents would reiterate the contents of the impugned order and would also submit that only after holding enquiry, the petitioner was found guilty of submitting fabricated documents for the purpose of securing employment. He would submit that the marksheet submitted by the petitioner pertains to one Rameena.T and the same was found only after verification by the Education Department.

10.The Division Bench of this Court while dealing with a similar issue involving submission of alleged bogus certificates and also involving dismissal of an employee, on account of the alleged



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submission of bogus certificates has discussed in length as to when an employee can be dismissed from service, on account of submission of bogus certificates for the purpose of securing employment.

11.The Division Bench in the case of ***R.Sundararajan Vs. The Personal Assistant (General) to District Collector and another*** passed in ***W.A.No.1181 of 2021*** dated ***20.09.2023***, has fixed the parameters as to how an employee who is alleged to have submitted bogus certificates can be dismissed from service. The Division Bench has very clearly held that the burden of proof is on the employer to prove that the employee had submitted bogus certificates for the purpose of seeking employment, in cases where the employee denies that he had produced bogus certificates, for seeking employment. The Division Bench has also held in its aforesaid decision that the benefit of doubt should always be given to the employee, when the employer alleges fraud against him / her, in cases involving submission of bogus certificates by the employee, when the employee denies that he had submitted bogus certificates.

12.The Division Bench has also held that mere tendering of documents by the employer will not prove the contents of the said



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documents. The materials / records merely tendered without any witnesses being examined cannot also be taken to be proved of the content thereof. In the case on hand, the respondents have relied upon the re-valued marksheet dated September, 2005 submitted by the petitioner, which according to them is a bogus document submitted by the petitioner. The said statement has been categorically denied by the petitioner. Without examining any witness and without any supporting clinching evidence, the respondents have come to the erroneous conclusion that the re-valuation mark sheet of the petitioner dated September, 2005 is a bogus document, which is contrary to the dictum laid down by the Division Bench of this Court in the aforesaid decision, which makes it clear that mere tendering of documents will not prove the contents of the said documents.

13.The petitioner is also able to convince this Court through the TMR extract pertaining to the petitioner as well as the said Rameena.T, which shows on a *prima facie* consideration that the Register number found in the TMR extract pertaining to the petitioner matches with the re-valuation marksheet of the petitioner dated September, 2005. Therefore, the benefit of doubt should necessarily be given to the petitioner in the light of the Division



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Bench judgment referred to supra. The petitioner has also been working in the fifth respondent school since 01.12.2015. He is also having the benefit of an interim order from this Court, protecting his interest by allowing him to continue in service.

14.It is also brought to the notice of this Court by the learned Counsel for the petitioner that subsequent to the passing of the impugned order, there is no complaint against the petitioner whatsoever made by the fifth respondent school or any other students in the fifth respondent school against the conduct of the petitioner and his ability to render services to the fifth respondent school as a P.G. Assistant. Learned Counsel for the petitioner has also contended that the petitioner is a Ph.D. holder and the respondents have only questioned the marksheet produced by the petitioner pertaining to his higher secondary examination, which the petitioner denies the same to be a bogus one and therefore, the question of dismissing the petitioner from service is arbitrary and illegal, since the criteria fixed by the Division Bench of this Court for removing an employee from service on account of the alleged production of bogus certificates has not been satisfied by the respondents by the production of clinching evidence in support of their contention that the petitioner had produced bogus marksheet.



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The petitioner is also having an unblemished track record ever since the date of his employment excepting for the allegations made against him that he had submitted bogus marksheet pertaining to his higher secondary examination results. Necessarily, the impugned order has to be quashed since the same has been passed contrary to the settled principles which has been enumerated in the Division Bench judgment referred to supra.

15.Accordingly, the impugned orders dated 30.05.2023, passed by the third and fifth respondents respectively are hereby quashed and this Writ Petition is allowed, by directing the respondents to permit the petitioner to continue working in the fifth respondent school in the post of P.G. Assistant [History] with continuity of service and all eligible attendant benefits. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

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ABDUL QUDDHOSE., J.

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