



W.P.No.7977 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.03.2026

Pronounced on : 06.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.7977 of 2019

R.Krishnakumar

... Petitioner

vs

1. Engineer in Chief WRD &
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai – 600 005.
2. The Chief Engineer, WRD
Public Works Department,
Coimbatore Region,
Town Hall, Coimbatore – 641 001.
3. The Deputy Superintending Engineer, WRD
O/o. The Superintending Engineer, PWD
Special Project Circle, Palani.
4. The Director,
Directorate of Government Examination,
DPI Campus, College Road, Nungambakkam,
Chennai – 600 006.
5. The Head Master,
P.S.G.Sarvajana Higher Secondary School,
Peelamedu, Coimbatore – 641 004.

... Respondents



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Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the second respondent by proceedings in Aa 1 (2)/2599/2012 dated 29.01.2019 and quash the same and pass orders.

For Petitioner : Mr.P.Saravana Sowmiyan
For Respondents : Mr.L.S.M.Hasen Fizal
Additional Government Pleader for R1 to R3
: Mr.P.Kumaresan
Additional Advocate General Assisted by
Mrs.A.Bakkiyalakshmi
Government Advocate for R4
: Mr.R.Karthikeyan for R5

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3, learned Additional Advocate General assisted by the learned Government Advocate for fourth respondent and learned counsel for the fifth respondent and perused the records.

2. The petitioner, by the present writ petition has assailed the action of the second respondent in issuing the proceedings *vide* Aa 1 (2)/2599/2012 dated 29.01.2019 removing him from service as being illegal with consequential direction to quash the impugned proceedings.



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3. Briefly put the case of the petitioner is that his father was working as Assistant Executive Engineer in TANGEDCO and had died in harness on 19.10.1998; that he was appointed on compassionate ground as Junior Assistant on 21.10.2007; that he was appointed on compassionate ground had passed SSLC examination and also he possessed Diploma in Textile Technology; that at the time of appointment, he had submitted all the original certificates including SSLC mark sheet; and that he was working honestly and sincerely to the utmost satisfaction of the office superiors from the date of his appointment.

4. Petitioner contended that he had appeared for 10th Standard examination in April, 1993; that he was issued with certificate bearing No.AA0620026 dated 22.06.1993 declaring him as failed in English subject; that he had applied for re-totaling through the fifth respondent School; that on re-totaling, his marks in English was revised as 52 marks and he was declared as passed in the SSLC examination by the fourth respondent; that he was also issued with a revised SSLC mark sheet with Serial No.0822795; and that he thereafter joined Diploma in Textile Technology in the year 1995 and successfully completed



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the course in October, 1999 and had joined PWD Department in the year 2007 on compassionate ground.

5. It is the further case of the petitioner that on being provided with appointment on compassionate ground, the respondents claim to have sent his SSLC mark sheet for verification; that the fourth respondent claims that their records do not reveal any re-totaling/re-valuation in English paper in the relevant board examination; that pursuant to request made by the Superintending Engineer, PWD, Coimbatore by letter dated 23.11.2009, the fifth respondent by letter dated 26.11.2009 categorically stated that as per the records maintained by them, the SSLC mark sheet submitted by the petitioner is genuine and had been issued by the competent authorities after re-totaling; and that the college where petitioner took admission also got it verified while admitting him into Diploma in Textile Technology in the year 1995, with the Department of Government Examination who had confirmed the said certificate as genuine.

6. Petitioner further contended that the second respondent without considering the confirmation issued by the fifth respondent had issued order dated



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03.01.2012 for initiation of departmental enquiry and criminal prosecution against him; that the said order was challenged by him before this Court by filing writ petition *vide* W.P.No.1659 of 2012; that this Court by order dated 21.02.2017 had set aside the said proceedings initiated; and that this Court however granted liberty to the respondents to initiate proceedings afresh.

7. It is the further case of the petitioner that pursuant to the liberty granted by this Court, the second respondent had issued show cause notice dated 06.05.2017 calling upon him to show cause as to why disciplinary proceedings and criminal prosecution should not be initiated against him; that he submitted a detailed explanation dated 05.06.2017 stating that his SSLC mark sheet is genuine and requested to drop the proceedings; that the second respondent after about one year thereafter, all of a sudden, by proceedings issued in September, 2018 placed him under suspension alleging that the SSLC mark sheet produced by him at the time of getting appointment on compassionate ground is bogus; and that the respondents have also lodged a complaint based on which the FIR was registered against him under Sections 420, 465, 466, 468 and 471 of IPC by the Inspector of Police, City Crime Branch, Coimbatore; and that he had secured Anticipatory Bail



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in the aforesaid crime on 23.08.2018.

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8. Petitioner contends that the second respondent had also issued him charge memo under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 (in short “Rule, 1955) containing two article of charges; that he had submitted a detailed explanation on 28.09.2018 to the said articles of charge; that the second respondent not satisfied with the explanation given by him, had appointed enquiry officer to enquire into the charges; that on receiving notice from the enquiry officer, he had given an explanation on 30.10.2018; that the enquiry officer even before examining him and considering his explanation, completed the enquiry and prepared enquiry report on 28.11.2018 itself and called him for enquiry on 30.11.2018, thereby making the enquiry proceedings a mere formality, rendering the said proceedings vitiated.

9. It is the further case of the petitioner that on the enquiry officer submitting his report holding the charges framed against him as proved, and on being furnished with copy of enquiry report, he had submitted a detailed explanation on 21.12.2018, objecting to the findings of the enquiry officer; and that



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the second respondent without considering the explanation, had passed the impugned order dated 29.01.2019 imposing the punishment of “removal from service”.

10. Petitioner further contended that he was appointed by the first respondent *vide* proceedings dated 21.10.2007 in the Coimbatore Region and was issued with an appointment order by the second respondent to join the office of Superintending Engineer, WRD, PWD, Bavani; that as per Rule 14 (a) (2) of Rules, 1955, major penalties shall be imposed only by the appointing or the higher authority i.e., Government can only initiate disciplinary action and impose major penalty; that as the second respondent, who is subordinate to the first respondent had initiated disciplinary action and imposed major penalty, the said order is *per se* illegal and is liable to be quashed.

11. It is the further case of the petitioner that the respondents 2 and 3 failed to note that the fifth respondent has given reply based on the entry in the Register Serial No.150655, wherein, it is noted that after re-totaling a new SSLC mark sheet bearing Certificate No.AA0822795 was issued to him; that the fifth



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respondent by letter dated 26.11.2009 having confirmed the said certificate to be genuine, the second and third respondent ought to have made enquiries regarding the genuineness of the said SSLC mark sheet with the fourth respondent, which would have proved the correctness of the claim made by him; and that the second and third respondents without adopting such course of action have come to a wrong conclusion and as such, the impugned order cannot be sustained.

12. Contending as above, the petitioner seeks for quashing of the impugned order by which he was visited with punishment of removal from service.

13. Separate counter affidavits have been filed on behalf of the second respondent and the fourth respondent.

Counter of Respondent No.2

14. The second respondent by the counter affidavit filed on his behalf and also on behalf of the first and third respondents, denied the claim of the petitioner that his father was employed in TNGEDCO, but stated that his father was employed as Assistant Executive Engineer in PWD Department and died



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harness on 19.10.1998 while in service.

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15. The respondents by the counter affidavit further contended that the petitioner was appointed as Junior Assistant on compassionate ground; that petitioner joined the duty in the office of Superintending Engineer, WRD, Bhavani Basin Circle, Coimbatore (now at Erode) on 15.11.2007(FN); that at the time of joining duty, the petitioner had produced his SSLC original marks statement Certificate bearing Serial No.AA0822795; that the petitioner did not produce the original SSLC mark sheet bearing Serial No.AA0620026 pertaining to his appearing for SSLC examination wherein he had secured 32 marks in English subject, which the petitioner claims stood revised to 52 marks on re-totaling and being issued certificate with Serial No.AA0822795.

16. The respondents, by the counter affidavit, further contended that on the petitioner joining the duty and furnishing his SSLC original Certificate, the Superintending Engineer had sent a communication dated 03.06.2009 and 16.07.2009 to the fourth respondent in order to verify the genuineness of the petitioner's SSLC Certificate; that the fourth respondent in response to the said



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letter, by letter dated 16.11.2009 replied that the petitioner's SSLC certificate was not genuine; that the Superintending Engineer again addressed communication dated 01.12.2009 to the fourth respondent to verify the records once again with their office records; that the fourth respondent *vide* letter dated 08.02.2011 had once again reported that the applicant's certificate was not genuine and also requested the Superintending Engineer, WRD, Coimbatore (now at Erode) to take appropriate action against the petitioner for having submitted bogus SSLC mark sheet, in order to secure Government employment in an illegal manner.

17. The respondents by the counter affidavit further contended that the fifth respondent is not the competent authority to declare the genuineness or otherwise of the mark sheet issued by the fourth respondent; that the fourth respondent being a competent authority to certify the genuineness of the mark sheet of the petitioner herein, the second respondent had acted on basis of the report of the fourth respondent; that based on the report of the fourth respondent, the second respondent had issued a show cause notice dated 03.01.2012 to the petitioner for initiation of departmental enquiry and criminal prosecution; that the petitioner had challenged the said show cause notice before this Court by filing



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Writ Petition *vide* W.P.No.1659 of 2012; and that this Court while disposing the aforesaid writ petition by order dated 21.02.2017 directed the PWD authority to initiate proceedings afresh.

18. The respondents, by the counter affidavit, also contended that pursuant to the order of this Court in the aforementioned writ petition, the respondents have issued show cause notice afresh on 06.05.2017 calling upon the petitioner to produce any proof within 10 days, failing which, petitioner was informed that if no explanation was submitted, it would be assumed that there were no explanation to prove the genuinenity of the SSLC certificate; and that departmental action would be initiated as per the direction of the Hon'ble High Court.

19. It is the further case of the respondents that though the petitioner submitted his explanation to the aforementioned show cause notice, as he failed to put forth any justifiable/acceptable reasons or proof of evidence to show the genuineness of SSLC certificate, the same was informed to the first respondent; and that the first respondent had advised to take disciplinary action and also to



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initiate criminal prosecution simultaneously against the petitioner; that consequently a letter was addressed to the Commissioner, City Police, Coimbatore on 17.07.2018 to take criminal action as per law; that based on the aforesaid complaint, an FIR was registered against the petitioner on 19.08.2019 and the same is under investigation; and that on registration of FIR, the petitioner was suspended from service *vide* consequential proceedings dated 04.09.2018.

20. The respondents by the counter affidavit further contended that the second respondent having initiated the disciplinary proceedings, had appointed Deputy Superintending Engineer, Special Project Circle, Palani, as enquiry officer, by proceedings dated 07.09.2018 to make a thorough enquiring into charges initiated under Rule 17 (b) of Rules, 1955 and Rule 20 of TNGSC Rules, 1973 and to submit his report; that the third respondent/enquiry officer has submitted his enquiry report *vide* letter dated 28.11.2018 stating that the charges framed against the petitioner are proved; that the enquiry officer before submitting his report had issued notice calling upon the petitioner for personal appearance on 30.10.2018; and that the petitioner had appeared before the enquiry officer on the said date and submitted his explanation, thus, the claim of the petitioner that enquiry report was



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prepared even before his appearance is incorrect, baseless and false; that the second respondent *vide* proceedings dated 29.01.2019 while forwarding a copy of the enquiry report had called upon the petitioner for further explanation; that the petitioner failed to produce any documents or evidence to prove the genuineness of his claim; and that as the petitioner had failed to prove the genuineness of his SSLC certificate furnished at the time of joining service, the second respondent issued the impugned order as per Rule 8 (vii) of Rules, 1955 removing the petitioner from service with effect from 30.01.2019 FN, as punishment under service rules.

21. The respondents by the counter affidavit, further contended that if at all the petitioner is aggrieved by the impugned order, he ought to have availed the further remedy of appeal; and that the petitioner without availing said remedy has approached this Court by the present writ petition; that in as much as there exists an effective remedy of appeal under Rules, 1955, the present writ petition as filed is liable to be dismissed.



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WEB COPY Counter of Respondent No.4:-

22. The fourth respondent by the counter affidavit while denying the writ averments, except those which were specifically admitted contended that the said respondent authority conducted, detailed scrutiny of Tabulated Mark Registers (TMR) by constituting a Special Committee under the head of Deputy Director who is Custodian of Mark Register to ascertain whether the certificate as furnished by the petitioner is issued by the Directorate of Government Examinations, Chennai; and that the Special Committee after thorough scrutiny of records confirmed no such certificate bearing Serial Number AA0822795 was issued by the Education Department.

23. The fourth respondent by the additional counter affidavit filed further contended that after detailed verification of the “certificate issue Registers”, Tabulated Mark Registers (TMR), Dispatch of Records of April, 1993, it was found that the certificate claimed by the petitioner was not issued by the Directorate to the petitioner or to any other candidate.



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24. By the additional counter affidavit, it is also contended that the serial sequences of certificate issued to the school candidates as well as private candidates during April 1993 does not contain the Serial Number AA0822795 in TMR; and thus, the alleged certificate on the basis of which the petitioner has secured appointment on compassionate ground was not issued by the Directorate of Government Examinations and is a fabricated document.

25. The fourth respondent by the additional counter affidavit, further contended that there is no missing blank certificate corresponding to the Serial Number as produced by the petitioner in the TMR; that considering the seriousness of the allegation that fake certificate having been produced, the fourth respondent/Directorate of Government Examinations has initiated the preventive administrative measures and the Directorate has begun the process of introducing Digital Water marking and QR – based verification in the certificates to prevent fraudulent reproduction.

26. The fourth respondent, by the additional counter affidavit, also contended that wherever re-totalling was done, and new mark sheets were issued,



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the said certificate begins with Serial Number AA0823 series, while the bogus retotalled mark sheet produced by the petitioner starts with Serial No.AA0822; and that there is also a mismatch and discrepancies in the secretary name and signature on the certificate during the year.

27. The respondents in order to demonstrate that the certificate produced by the petitioner is not a genuine certificate but it is a bogus fabricated certificate, by the additional counter affidavit filed pointed out various discrepancies and sought for dismissal of the writ petition.

28. I have taken note of the respective contentions as urged.

29. The claim of the petitioner with regard to genuineness of his SSLC mark sheet is based on the communication addressed by the fifth respondent. It is to be noted that the fifth respondent is a School through which candidates appear for SSLC examination conducted by the Board i.e., fourth respondent and it is only the fourth respondent who is competent to issue certificate declaring a student having passed or failed in the SSLC examination and also marks secured by them in the examination in the form of mark sheet under signature of its Secretary.



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30. Though, the petitioner had claimed of having secured only 32 marks in English initially, in the examination conducted in April,1993 and thus, failing in SSLC examination, he had claimed that after applying for re-totaling the said 32 marks stood revised to 52 marks and thereby, he having passed the SSLC examination. The petitioner further claimed that on account of increase of marks in English in re-totaling, he has been issued with certificate bearing No.AA0822795 and the genuineness of the said certificate being confirmed by the fifth respondent *vide* his letter dated 26.11.2009. However, as noted hereinabove, it is not the fifth respondent who is competent to either issue or certify the said certificate, but it is the fourth respondent who is the competent authority to certify the genuineness of the said certificate.

31. On the petitioner securing appointment on compassionate ground, the second respondent having forwarded the SSLC certificate produced by the petitioner bearing serial No.AA0822795 to the fourth respondent and the fourth respondent by his communication dated 16.11.2009 having stated that the said certificate of the petitioner to be not genuine, which statement was reiterated again



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on 08.02.2011, the petitioner cannot persist with his claim of the fifth respondent certifying the said certificate as genuine.

32. Further, the petitioner while assailing the impugned order by which he was visited with punishment of removal from service under Rule 17 (b) of the Rules, 1955, having taken a specific plea that the second and third respondents ought to have got the said certificate verified through fourth respondent, as the same would have disclosed as to whether the said certificate is genuine or bogus, since, the fourth respondent by the additional counter affidavit having now placed before this Court, the details as to how the claim of the petitioner of said certificate being genuine cannot be accepted and the said certificate being fabricated, the claim of the petitioner to the contrary, and the castle built around the genuineness of the certificate falls like “pack of cards”. Since, the petitioner had secured employment on the basis of forged and fabricated document though on a compassionate ground, such act/conduct of the petitioner cannot be condoned.

33. Since, the aforesaid act of the petitioner in securing employment by producing forged and fabricated document is a misconduct under Rules, 1955, the



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initiation of the disciplinary proceedings by the second respondent firstly, by issuing a show cause notice, and thereafter by framing articles of charge, appointing an enquiry officer, on the enquiry officer submitting report, issuing further notice to the petitioner seeking explanation and passing the impugned order thereafter cannot be held as illegal actions for it to be quashed or interfered with by this Court.

34. As the genuineness of the SSLC mark sheet, based on which, the petitioner had secured employment on compassionate ground now stands disproved, the petitioner cannot seek to take advantage of he pursuing further studies on the basis of the said certificate and obtaining the Diploma in Textile Technology for holding on to his employment.

35. Further, as it is evident that the fourth respondent being the competent authority, having not issued any certificate in Serial Number as produced by the petitioner, this Court has no hesitation to hold that the action of the respondent in initiating disciplinary action against the petitioner for producing a forged/fabricated SSLC certificate to secure employment is neither vitiated nor



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can be found fault with, much less, to hold that the impugned order by which the petitioner is visited with the punishment of removal from service requires to be interfered with.

36. Accordingly, the Writ Petition as filed is devoid of merits and is dismissed with costs of Rs.5,000/- payable by the petitioner to the High Court Legal Services Committee, Madras High Court within a period of four weeks from the date of receipt of a copy of this order.

06.03.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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Chief Engineer (General)
Public Works Department,
Chepauk, Chennai – 600 005.

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Peelamedu, Coimbatore – 641 004.

6. The Member Secretary,
High Court Legal Services Committee,
Madras High Court.



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T. VINOD KUMAR, J.

dh

Pre-delivery order made in
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