

**H.C.P.No.728 of 2022**WEB C **S.VAIDYANATHAN, J.,****AND****A.D.JAGADISH CHANDIRA, J.,**

This Habeas Corpus Petition has been filed to produce the petitioner's adopted son, namely, A.P.Dheeraj Maal, aged 17 years, S/o.Late Pandurangan, who is said to be illegally detained by third and fourth respondents, before this Court.

2. It is the case of the Petitioner that she was married to one Durairaj and there was no child born to them. While so, the detenu, who was a test tube baby, born to the aunt and uncle of the petitioner's husband, was given in adoption to the petitioner and her husband on 10.02.2006. It is further case of the petitioner that her husband, aunt and uncle met their demise and since then the detenu has been under her custody. In the meanwhile, the 3rd Respondent / claiming herself to be the step sister of the detenu, with the help of 4th Respondent, who claims himself to be an Advocate had kidnapped the detenu from her house in order to grab the property, which was executed by her uncle in favour of the detenu. Though a complaint in this regard has been given to the respondent Police, no effective steps were taken by the Police, on account of which, the



petitioner is before this Court by filing the present Habeas Corpus Petition.

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3. It is seen that there was a dispute between the petitioner, who is admittedly the step mother of the detenue by way of adoption deed dated 10.02.2006 and the 3rd respondent. Pursuant to the earlier orders of this Court dated 29.04.2022, the detenue is now in the custody of the petitioner.

4. When the matter is taken up today, this Court posed a question to the 4th Respondent (Aadhar Card No.2071-5610-7825) about the allegation of the petitioner in respect of his fake posture as an Advocate, he drew our attention to the Degree certificate, alleged to be issued by the Bharathidasan University, which is annexed in the typeset of papers, on perusal of which, even a naked eye would be able to establish that it is a fake one. In the certificate, in Tamil version, it has been mentioned, as if the 4th Respondent had studied “History” and secured “First Class” in Law and to the contrary, in the English language, it has been ascribed as if the 4th Respondent had secured “Second Class” in “Law”. The scanned copy of the degree certificate produced by the 4th respondent is affixed hereunder:



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Centre Code : 36



47

Reg. No. SL 1378

பாரதிதாசன் பல்கலைக்கழகம்
BHARATHIDASAN UNIVERSITY

சட்டயியல் புலம்

FACULTY OF LAW

பாரதிதாசன் பல்கலைக்கழக ஆட்சிக் குழு திசம்பர் 2001 ஆம் ஆண்டு

நடத்திய

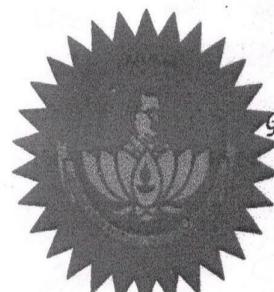
வரவாற்றுத்

தேர்வில்

மாபு செ

என்பவர் முதல் வகுப்பில் தோக்கி பெற்றார் என்று தக்க தேர்வாளர்கள்
 சான்றளித்தபடி சட்டயியல் இல்லையர் என்னும் பட்டத்தை
 அவருக்குப் பல்கலைக்கழக இலக்ஷ்சியையும் வழங்குகிறது.

The Syndicate of the BHARATHIDASAN UNIVERSITY hereby makes
 known Degree has been
 admitted to the of BACHELOR OF LAW having
 been certified by duly appointed Examiners to be qualified to receive the same in
 LAW at the Examination
 held in DECEMBER 2001 and placed in SECOND Class

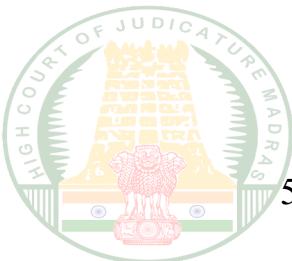


Given under the seal of the University.

திருச்சிராப்பள்ளி
Tiruchirappalliதாங் : 18 April 2002
Dated :

 பதிவாளர் Registrar

 துணைவேந்தர் Vice-Chancellor



5. On 27.07.2022, we had a cloud of suspicion over his qualification and therefore, we sought the assistance of the learned counsel appearing **WEB COPY** for Bharathidasan University to ascertain and inform this Court about the genuineness of the Law Certificate, which is said to be obtained by the 4th Respondent. We have also informed the 4th respondent that in the event of the Degree Certificate being found to be false, stringent action would be taken against him for playing fraud with the Court.

6. When the matter is taken up for hearing today, learned counsel for the Bharathidasan University has produced an Email communication dated 27.07.2022 received from the Controller of Examination, wherein it has been stated as follows:

“With reference to the mail cited above, I am by direction to inform you that the referred BL Degree Certificate in respect of S.Babu with Reg. No.SL 1378 is not genuine and it was not issued by the University.”

From the above reply, it is crystal clear that the Degree Certificate produced by the 4th Respondent is not a genuine one. Despite the same being pointed out to him, the 4th Respondent, who is present before this Court, instead of repenting for his act, has the audacity to state that he had studied and completed Law in Government Law College, Trichy and is a Law Graduate, besides producing the Degree Certificate, claiming it to be original, along with a hand-written letter dated 28.07.2022 in the form of



an affidavit, addressed to the Registrar General, High Court of Madras,
duly attested by the learned counsel appearing for the 4th Respondent. The
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scanned copy of the hand written letter dated 28.07.2022 in the form of an
affidavit is affixed hereunder:

IN THE HIGH COURT OF MADRAS
H.C.P. NO 728 - 2022 A.T. MADRAS

D. Shokhi Petitioner
VS
The State Rep. by. & The Commissioner
From.
S. BABU
No 59/1, Gandhi Nagar
MADRAS - 40

To. The Registrar General
HIGH COURT AT MADRAS.

AFFIDAVIT
I. S. BABU, S/o. P. SELVARAJ RESIDING
AT. 59/1-Gandhi Nagar, MADRAS - 40

S. BABU.
28-07-2022



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I am the Respondent - 4 and
as such am well acquainted
with the facts of the case.

I hereby with, submitting my B.L.D.EGREE
certificate S.L. 1378 - in original.

Solemnly affirmed
at Chennai on -

Signed. my name.
in my presence.

S. BABU
28-07-2022
9176919170
Before me

28-7-2022
GATEVARASAN
Counsel for Respondent 4
401, New Albin, Law Chambers
Madras Hqrs, Court Building
Chennai 4

7. We are fully reminded of the fact that the scope of Habeas Corpus Petition is limited, but, the present case on hand takes a different turn, pursuant to the production of fake Degree Certificate in order to defraud the Court, which cannot be slightly brushed aside.

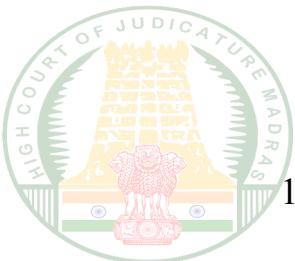
8. It is stated that after formation of Tamil Nadu Dr.Ambedkar Law University (in short 'TNDALU') with effect from 03.10.1997, no other University is empowered to issue Degree Certificates in Law and as such, it is clear that the claim of the 4th respondent is totally false.



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9. We are *prima facie* satisfied that the 4th respondent has produced a fabricated degree certificate before this Court that has been created outside the precinct of this court and a claim has been made that he is a Law Graduate. Learned counsel appearing for the 4th respondent submitted that the 4th respondent had only completed Law and he had not enrolled himself as an Advocate before the Bar Council of Tamil Nadu and Puducherry, whereas it is the stand of the petitioner that the 4th respondent claimed himself to be an Advocate and he had also shown an identity card issued by the Bar Council of Tamil Nadu and Puducherry. However, this Court is now concerned only with the fabricated degree certificate furnished by the 4th respondent before this Court along with the sworn-in affidavit duly attested by the counsel on record, endorsing it to be genuine and that the 4th respondent also claims that he had completed five years degree course in Trichy Law College.

10. This is indeed a case requiring registration of a criminal case and appropriate action needs to be taken against persons, who are involved in the fabrication of documents. Cases in the nature of job racketing and creation of false documents have been mushrooming now-a-days and such persons involved in the offences should be crushed with iron hands and they shall not be allowed to go scot-free. The conduct of the 4th respondent also amounts to interference in the administration of justice.



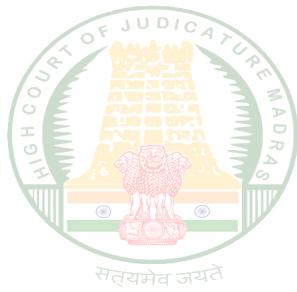
11. Hence, we hereby direct the Commissioner of Police, Chennai City Police to depute an Officer in the rank of an Assistant Commissioner of Police, Central Crime Branch (CCB), Chennai, who shall register a case in accordance with law, arrest the 4th respondent for production of a fabricated document before this Court, conduct a thorough investigation, including his schooling and file a final report in this case. The purported original Degree Certificate produced by the 4th respondent, which is kept under the safe custody of the Registrar General, High Court of Madras, shall be handed over to the Investigation Officer under due acknowledgement, after retaining copies of it. The Investigation Officer shall give a wide publicity with the photograph of the 4th respondent both in Tamil and English dailies being broadly circulated within the State of Tamil Nadu to find out whether any other persons were deceived by the 4th respondent by posing himself as an Advocate.

12. The Bar Council of Tamil Nadu and Puducherry is also directed to conduct an enquiry so as to ascertain as to whether any other complaint is pending as against the 4th respondent, who claims to be an Advocate.

13. Registry is directed to print the name of Mr.Govardhan, learned Standing Counsel for the Bharathidasan University in the place of

Mr.A.Selvendran, learned Additional Government Pleader.

<https://www.mhc.tn.gov.in/judis>



H.C.P.No.728 of 2022

List this matter on **10.08.2022**.

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(S.V.N., J.) (A.D.J.C., J.,)
28.07.2022

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Note: Issue order copy on 05.08.2022



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S.VAIDYANATHAN, J..
AND
A.D.JAGADISH CHANDIRA, J..
bkn/ar

H.C.P. No.728 of 2022

28.07.2022