

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.22768 to 22773 of 2015
and
M.P.Nos.1 to 1 of 2015

Mr.L.Joseph Lathis
St.Anns Government Aided High School
Cathedral Street
Puducherry 605 001.Petitioner in W.P.No.22768 of 2015

Mrs. J.JabasthiammalPetitioner in W.P.No.22769 of 2015

Mrs.K.SasikalaPetitioner in W.P.No.22770 of 2015

Mrs.N.SanthaPetitioner in W.P.No.22771 of 2015

Mr.L.Louis Anastasuis
SayagarajPetitioner in W.P.No.22772 of 2015

Mrs.R.Aruputh SagayaraniPetitioner in W.P.No.22773 of 2015

- 1 The Union Territory of
Puducherry Rep by its Secretary
Department of Education Secretariat
Puducherry 605 001
- 2 The Director of School
Education Government of Puducherry
Directorate of School Education
Puducherry 605 005
- 3 The Senior Accounts Officer
Government of Puducherry
Directorate of School Education
Puducherry 605 005

- 4 The Joint - Director of School
Education Government of Puducherry
Directorate of School Education
Puducherry 605 005. ...Respondents 1 to 4 in
W.P.Nos. 22768 to 22773 of 2015
- 5 The Correspondent/Manager
St.Anns Government Aided High School
Cathedral Street
Puducherry 605 001 ...5th Respondent in W.P.Nos.
22768 to 22772 of 2015
- 6 The Correspondent/Manager,
St. Dominic Sanio Govt. Aided Middle School,
Thattanchavady,
Puducherry-605 009. ...5th Respondent in
W.P.No.22773 of 2015

W.P.No.22768 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to accord approval to the appointment of the petitioner Mr.L.Joseph Lathis working as a Drawing Teacher in the newly sanctioned post in 5th respondent St.Anns Government Aided High School Cathedral Street Puducherry-605 001 w.e.f. 21.8.2006 on the file of the 2nd respondent with all service and monetary benefits.

W.P.No. 22769 of 2015 :

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to accord approval to the appointment of the petitioner Mrs.Jabasthiammal working as a Primary School Teacher in the newly sanctioned post in 5th respondent St.Ann's Government Aided High School, Cathedral Street, Puducherry-605 001 w.e.f. 11.6.2007 on the file of the 2nd respondent with all service and monetary benefits.

W.P.No. 22770 of 2015 :

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus,

directing the respondents to accord approval to the appointment of the petitioner Mrs.K.Sasikala working as a Sedwing Teacher in the newly sanctioned post in 5th respondent St.Ann's Government Aided High School, Cathedral Street, Puducherry - 605 001, w.e.f. 9.8.2006 on the file of the 2nd respondent with all service and monetary benefits.

W.P.No. 22771 of 2015 :

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to accord approval to the appointment of the petitioner Mrs.N.Santha, working as a Sanitary Assistant in the newly sanctioned post in 5th respondent St.Ann's Government Aided High School, Cathedral Street, Puducherry - 605 001 w.e.f. 09.8.2006 on the file of the 2nd respondent with all service and monetary benefits.

W.P.No. 22772 of 2015 :

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to accord approval to the appointment of the petitioner Mr.L.Louis Anastasuis Sagayaraj, working as a Watchman in the newly sanctioned post in 5th respondent St. Ann's Government Aided High School, Cathedral Street, Puducherry-605 001 w.e.f. 21.8.2006 on the file of the 2nd respondent with all service and monetary benefits.

W.P.No. 22773 of 2015 :

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to accord approval to the appointment of the petitioner Mrs.R.Arputha Sagayarani, working as TGT (Science) in 5th respondent St. Dominic Savio, Government Aided School Thattanchavady Puducherry-605 009 w.e.f. 01.09.2006 as per G.O.Ms.No.86 dated 21.07.2006 on the file of the 1st respondent with all service and monetary benefits.

For Petitioner : Mr.FR.A.Xavier Arulraj

For Respondents : Mr.M.Govindaraj,
Govt. Pleader (Pondy)

COMMON ORDER

As the issues involved in all these writ petitions are similar, they have been taken up together and disposed of by a common order.

2 The case of the petitioners is that they are working in the sanctioned posts in St. Ann's Government Aided High School and St. Dominic Savio Govt. Aided School, Puducherry with effect from 21.8.2006. The Schools were established and administered by the Archdiocese of Pondicherry. They are religious, Charitable and educational Organisation and minority educational Institutions.

3 The claim of the petitioners is that the first respondent vide G.O.Ms.No.86, dated 21.07.2006 sanctioned 266 new posts of teaching and non-teaching staff and also upgraded 189 existing posts of the teaching and non-teaching staff to 30 aided schools in the Union territory of Puducherry Union including to the 5th respondent school.

4 The petitioners were appointed in the sanctioned posts. The second respondent vide circular, dated 7.8.2006 directed the heads of the aided private schools to send proposal to fill up all newly sanctioned and upgraded posts with all relevant and required documents on or before 30.8.2006 directed them to follow guidelines issued vide G.O.Ms.No.42, dated 25.5.2000. As per the direction of the second respondent, the 5th respondent submitted the proposal in respect of the appointment of the petitioners for approval. Though proposal was forwarded on 30.8.2006, the Government authorities have failed to discharge their statutory duties till date. Eventually, petitioners have submitted a detailed representations to the respondents on 29.6.2015 for approval for appointment of the petitioners and also paying their salary from 21.8.2006. However, the respondents have not taken any action. Hence, the present writ petitions.

5 Heard the learned counsel for the petitioner and Mr.M.Govindaraj, learned counsel for the respondents.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, direct the

respondents 2 to 4 to consider the representations of the petitioners, dated 29.06.2015 and take a decision on merit and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioners.

The writ petitions are disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Union Territory of
Puducherry Rep by its Secretary
Department of Education Secretariate
Puducherry 605 001
- 2 The Director of School
Education Government of Puducherry
Directorate of School Education
Puducherry 605 005
- 3 The Senior Accounts Officer
Government of Puducherry
Directorate of School Education
Puducherry 605 005
- 4 The Joint - Director of School
Education Government of Puducherry
Directorate of School Education
Puducherry 605 005

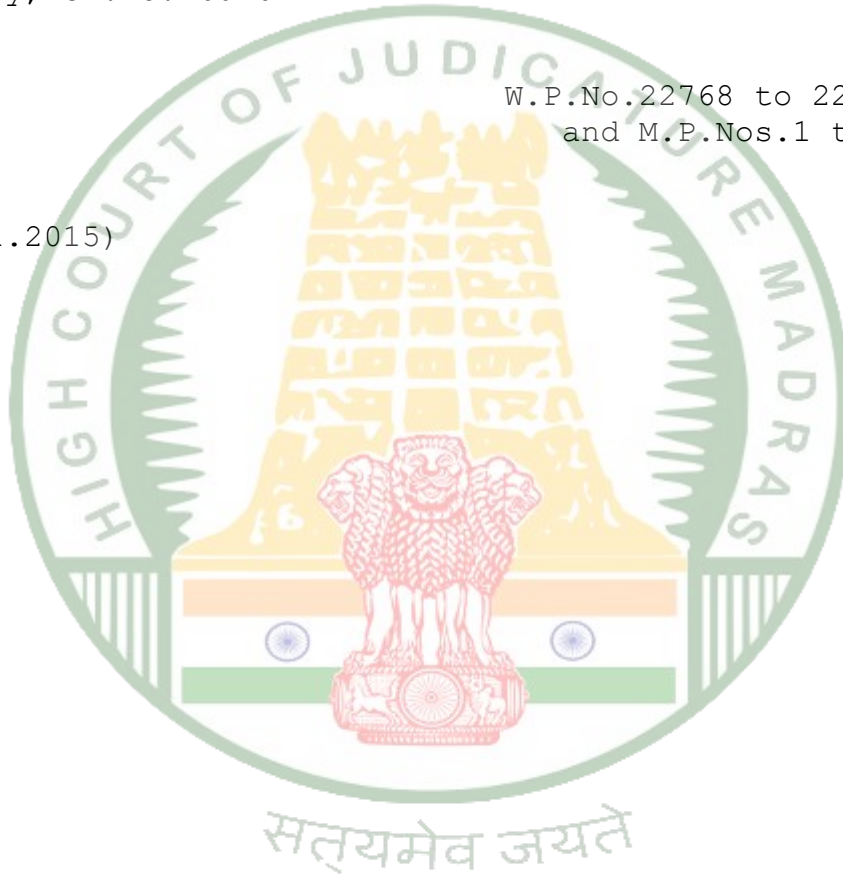
5 The Correspondent/Manager
St.Anns Government Aided High School
Cathedral Street
Puducherry 605 001

12 CCs to Mr.FR.A.Xavier Arulraj, Advocate SR.No. 60458

2 CCs to the Government Pleader cum Public Prosecutor for
Pondicherry, SR.No. 60762

W.P.No.22768 to 22773 of 2015
and M.P.Nos.1 to 1 of 2015

SV (CO)
PSI (24.11.2015)



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