

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27168 of 2015 and

M.P.No.1 of 2015

P.Infenta

...Petitioner

-Vs-

- 1 The Union Territory of
Puducherry 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
Immaculate Heart of Mary Higher Secondary
School 275 Mission Street Puducherry 605 001...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to accord approval to the appointment of the petitioner Mrs.P.Infenta working as Sewing Teacher working in a regular and sanctioned post in 5th respondent Immaculate Heart of Mary Hr. Sec. School 275 Mission Street Puducherry 605 001 w.e.f. 22.12.2009 with all service and monetary benefits.

For Petitioner : Mr.FR.A.Xavier Arulraj

For R1 to R4 : Mr.R.Sreedharan
Government Advocate (Pondy)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that she is a qualified Physical Education Teacher working as Sewing Teacher in the sanctioned post in the services of 5th respondent school with effect from 22.12.2009. According to the petitioner, the said school is a religious, charitable and educational organization. It is managed and administered by the religious Congregation of Franciscan Sisters of Mary Immaculate and it is also registered under the Societies Registration Act and all the educational institutions run by the said society are admittedly Minority Educational Institutions under Article 30 (1) of the Constitution of India.

3. It is the claim of the petitioner that since she has been appointed as Sewing Teacher in a regular and sanctioned vacancy arising out of transfer of Sr.Mary Lumina on 22.12.2009, she is entitled to be regularised and salary has to be paid and however, the grievance expressed by the petitioner is that though the 5th respondent school forwarded the proposal for approval of petitioner's appointment along with the other staff to the 3rd respondent on 14.4.2012, no orders have been passed and as a result, the petitioner is working without salary from 22.12.2009 and in this regard, she submitted a representation dated 24.07.2015. Since no orders have been passed, came forward to file this writ petition.

4. Mr.FR.A.Xavier Arulraj, the learned counsel appearing for the petitioner would submit that the 5th respondent has also submitted a proposal on 25.01.2010 for approval of appointment of the petitioner and it was returned and again it was re-submitted on 04.08.2010 and 14.04.2012 and he would submit that in similar facts and circumstances, this Court vide order dated 28.02.2008 made in W.P.No.19445 of 1998 has passed a positive order directing the first respondent to appoint the petitioner therein in the regular vacancy and also relied upon one more interim order dated 14.07.2015 made in M.P.No.1 of 2015 in W.P.Nos.21083 to 21085 of 2015 and prays for appropriate orders.

5. Heard the submissions of the Mr.R.Sreedharan, learned Government Advocate (Pondy) who accepts notice on behalf of R1 to R4.

6. This Court, in the light of the facts and circumstances, directs second respondent to act on the proposal dated 25.01.2010 as well as re-submission of the proposals dated 04.08.2010 and 14.04.2012 submitted by the 5th respondent as well as dispose of the petitioner's representation dated 24.07.2015 on merits and in accordance with law after taking note of the above cited Orders and pass orders within a period of 6 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent.

7. This Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1

The Secretary
Union Territory of
Puducherry, 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
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The Joint - Director of School
Education Government of Puducherry
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605 005

5

The Correspondent/Manager
Immaculate Heart of Mary Higher Secondary
School 275 Mission Street Puducherry 605 001

+3 cc to Dr.FR.A.Xavier Arulraj Advocate sr.46505
+1 cc to Senior Government Pleader cum Senior
Public Prosecutor Puducherry sr.46518/15

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