

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.P.No.32213 of 2018
and
W.M.P.No.37447 of 2018

1.G.Adonish
2.P.Loganathan
3.V.Ramakichenane
4.P.Kabildev
5.A.Ashok Kumar
6.L.Parathan
7.K.Annamalai
8.K.Aravindaraj
9.Hemalatha
10.N.Nithiya
11.M.Murugappan
12.L.Josi Victri Rosaline
13.Jancy Rani
14.R.Sarojini
15.Saranya

... Petitioners

Vs

1.Chief Secretary to Government
of Pondicherry,
Chief Secretariat,
Government of Puducherry,
Puducherry.

2.Secretary to Government,
Education Department,
Chief Secretariat,
Government of Puducherry,
Puducherry.

3.Director of School Education,
Perunthalaivar Kamarajar
Centenary Educational
Complex, Anna Nagar,
Puducherry.

4.The Registrar,
Central Administrative Tribunal,
Madras Bench,
City Civil Court Building,
Chennai - 104.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of declaration declaring that the order dated 27.11.2018 in O.A.No.1570 of 2018 passed by the Central Administrative Tribunal as illegal insofar as it failed to grant the interim stay as prayed for and consequently grant an order of stay staying the (i)operation of the Order No.29118/DSE/Estt.II/D/2018 dated 30.10.2018 passed by the third respondent regarding empanelment of eligible candidates at Guest Balasevikas/Guest Teachers in various teaching cadres on contract basis for Government pre-primary/middle/high/higher secondary schools in Puducherry - 2018 and (ii)operation of the order No.29118/DSE/Estt.II/D/2018 dated 30.10.2018 passed by the third respondent regarding empanelment of eligible candidates at Guest Balasevikas/Guest Teachers in various teaching cadres on contract basis for Government pre-primary/middle/high/higher secondary schools in Karaikal Region - 2018.

For Petitioners .. Mr.M.Gnanasekar
For Respondents .. Mr.Syed Mustafa,
Spl. Govt. Pleader for R1 to R3
R4 - Tribunal

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed by the petitioners, aggrieved over the decision of the Tribunal in declining to consider the grant of interim order while issuing notice to the respondents.

2.Learned counsel appearing for the petitioners would submit that contrary to the decision taken earlier, the present Notification speaks about appointment on contractual basis for the post of Guest Lecturer, which is impermissible in law.

3.Learned Special Government Pleader appearing for respondents 1 to 3 would submit that it is for the Union Public Service Commission to undertake the aforesaid exercise, which normally takes substantial time. Alternatively, it has been contemplated to have the vacancy to be filled up permanently by

respondents 1 to 3 themselves, which is a policy matter. Therefore, by way of an interim arrangement, the present Notification has been issued.

4.The submissions made are to be considered by the Tribunal. We are on a limited issue. Therefore, expressing anything on merit will make further proceedings before the Tribunal as redundant. Thus , this writ petition stands disposed of with the observation that any appointment/selection made pursuant to the Notification, which is now under challenge, will be subject to the final orders to be passed in Original Application. No costs. Consequently, connected miscellaneous petition is closed.

5.At this stage, learned counsel appearing for the petitioners submits that considering the urgency involved, the Tribunal may be directed to decide the Original Application at an earlier date. Inasmuch as we have also disposed of the petition for interim stay by way of the above order, we request the Tribunal to take up the Original Application and dispose it of within a period of six months from the date of receipt of a copy of this order. The contesting respondents will have to file their affidavit within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Chief Secretary to Government
of Pondicherry,
Chief Secretariat,
Government of Puducherry,
Puducherry.

2.The Secretary to Government,
Education Department,
Chief Secretariat,
Government of Puducherry,
Puducherry.

3.The Director of School Education,
Perunthalaivar Kamarajar
Centenary Educational
Complex, Anna Nagar,
Puducherry.

4.The Registrar,
Central Administrative Tribunal,
Madras Bench,
City Civil Court Building,
Chennai - 104.

+1cc to Mr.M.Gnanasekar, Advocate SR.No.83526

+1cc to Government Pleader (P) SR.No.84184

W.P.No.32213 of 2018

KJI (CO)
GMY (02/01/2019)



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