

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.28628 of 2019

and

WMP.Nos.28386 & 28388 of 2019

1.P.Dhanalakshmi

2.M.Abinaya

3.M.Ananthajothi

4.S.Abirami

5.D.Divia

6.D.Meena

7.M.Anitha

8.D.Nithya

9.I.Kayathri

10.S.Panvina

11.M.Basira Beebi

... Petitioners

Vs

1.The Director of School Education,
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Puducherry-605005.

2.The Deputy Director of School Education,
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Puducherry-605005.

3.The Secretary to Government,
Education Department,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue,
Beach Road, White Town,
Puducherry-605001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to hold and consider that the petitioners who have completed the course BSS Diploma in Early childhood Care and Education and also eligible for post of Guest Balavikas/Guest Teachers in various Teaching Cadres on contract basis for Government Pre-Primary / Primary / Middle / High / Higher Secondary Schools in Puducherry / Karaikal / Mahe / Yanam Regions as mentioned in the Notification in No.29118/DSC/Estt-II/D/2018 dated 05.07.2019.

For Petitioners : Mr.A.S.Baradhi

For Respondents 1-3: Mr.B.Nambi Selvan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the respondents to hold and consider that the petitioners who have completed the course BSS Diploma in Early childhood Care and Education and also eligible for post of Guest Balavikas/Guest Teachers in various Teaching Cadres on contract basis for Government Pre-Primary / Primary / Middle / High / Higher Secondary Schools in Puducherry / Karaikal / Mahe / Yanam Regions as mentioned in the Notification in No.29118/DSC/Estt-II/D/2018 dated 05.07.2019.

2. Pursuant to the Notification No.29118/DSC/Estt-II/D/2018 dated 05.07.2019, it appears that the petitioners have submitted their application for the post of Guest Balasevikas through online. While they were anticipating hall tickets being published in website, they came to know that their applications were not entertained on the ground that certificates issued by Bharat Sevak Samaj were not valid since the Bharat Sevak Samaj was not recognised by any Government / University / Board of Education and its certificates cannot be treated as equivalent to the course underwent by others in the institution established by the Educational Department of Government of Puducherry.

3. According to the petitioners, the Governments of other states viz. Kerala, Andhra Pradesh, Punjab, Haryana, etc., have appreciated the course conducted by the said Bharat Sevak Samaj, approved by the Government of India and based on the certificates issued by the Bharat Sevak Samaj, the appointments were also given. It appears that the petitioners have made representations to the first and second respondents on 13.09.2019 requesting to entertain their applications for the post of Guest Bala Sevak Samaj. However, since no action is forthcoming, the petitioners are before this Court.

4. The learned counsel for the petitioner would submit that the course conducted and certificate issued by Bharat Sevak Samaj are valid and based on the same certificates many of the other incumbents were selected and appointed in various Departments and whereas the petitioners applications submitted for the post of Guest Balasevikas have not been entertained by the respondents on the ground that the Bharat Sevak Samaj was not recognised by any Government / University / Board of Education and Diploma certificates for E.C.C.E. Issued by Bharat Sevak Samaj could not be taken as eligible qualification for the post of Guest Balasevikas which is contrary and cannot be sustained. Hence, the learned counsel would implore this Court to direct the respondents to entertain their application.

5. The learned Additional Government Pleader appearing for the respondents would submit that the representations made by the petitioners have been considered by the second respondent vide letter No.29118/DSE/Estt-I/D4/2019 dated 19.09.2019. The respondents were informed that any claim on recognition with any University / Board , the petitioners were directed to produce the same within a period of seven days for further action. However, without complying the same, the petitioners have approached this Court. Hence, the learned Additional Government Pleader would submit that this Court may extend the time in order to enable the petitioners to comply with the requirement as sought for by proceedings 19.09.2019 and if the petitioners satisfies the norms, their applications will be considered accordingly.

6. Considering the facts and circumstances and the submissions made by the learned counsel for the petitioners as well as learned Additional Government Pleader, the petitioners are directed to comply with the requirements as sought for vide letter No. 29118/DSE/Estt-I/D4/2019 dated 19.09.2019, with regard to the recognition on their certificates by any University/ Board, forthwith, in any case, within a period of seven days from the date of receipt of a copy of this order and on such production, the respondents are directed to entertain the petitioner's certificate along with the applications and

pass appropriate orders within a period of four weeks, thereafter.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition are closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

bkn
To

- 1.The Director of School Education,
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Puducherry-605005.
- 2.The Deputy Director of School Education,
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Education Complex,
100 Feet Road, Anna Nagar,
Puducherry-605005.
- 3.The Secretary to Government,
Education Department,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue,
Beach Road, White Town,
Puducherry-605001.

+1 CC to Public Prosecutor(Pondicherry) sr 84724.

+1 CC to Mr.A.S.Baradhi, Advocate sr 84473

W.P.No.28628 of 2019
and

WMP.Nos.28386 & 28388 of 2019

SP(15/11/2019)