

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2020
CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.17872 of 2020
and W.M.P.No.22164 of 2020

K.V.Deepthi

Petitioner

Versus

- 1.Union of India, rep by the
Cheif Secretary to Government,
Government of Puducherry,
Chief Secretariat, Puducherry.
- 2.Secretary to Government (Education)
Government of Puducherry,
Chief Secretariat, Puducherry.
- 3.The Director,
Directorate of School Education,
'A' Block, I Floor,
Perunthalaivar Kamaraj Centenary Educational Complex,
100 ft Road, Anna Nagar,
Puducherry 605 005.
- 4.The State Project Director,
Directorate of School Education,
Samagra Shiksha,
'B' Block, V Floor,
Perunthalaivar Kamaraj Centenary Educational Complex,
Anna Nagar, Puducherry 605 005.

5.The Regional Administrator-cum-DPO
Samagra Shiksha, Mahe.

6.The Central Administrative Tribunal
Madras Bench,
High Court Campus,
Chennai 600 001.

.. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to order dated 28.09.2020 in OA.No.407/2020 passed by the 6th respondent and to quash the same and to allow the Original Application as prayed for.

For Petitioner : Mr.Y.Kavitha
For Respondents: Mr.R.Syed Mustafa
Special Government Pleader (Pondy)
for R1 to R5

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

The applicant in O.A.No.310/407/2020, is the petitioner. The petitioner is a native of Mahe Region and she passed her B.A (Malayalam) during the year 1998 and B.Ed (Malayalam) during the year 2000 and she has also qualified in National Education Test (NET) for Lectureship, during the year December 1999 and that apart, she has also passed M.A., during the year 2000 in First Class and she has also done her Doctorate in Malayalam, from the University of Calicut and as such, she is actually eligible for appointing as language Teacher in Malayalam, in respect of walk-in selection notification issued by the 5th respondent dated 07.09.2020.

2. The learned counsel appearing for the petitioner would submit that the petitioner is now aged about 43 years and drawn the attention of this Court to Clause 1(i) and would submit that the prescribed age limit is 30 years and preference will be given to those who possess higher qualifications than the one required for the engagement for which they applied and since the petitioner possess M.A.(Malayalam), Ph.D as well as cleared NET

and that no eligible candidate within the prescribed age limit are also available, the 5th respondent ought to have considered the request made by the petitioner in the representation dated 14.09.2020, sympathetically and would have permitted to participate in the walk-in selection for engagement of language teachers. It is the further submission of the learned counsel appearing for the petitioner that the challenge made to the said notification before the Tribunal has also ended in dismissal at the admission stage itself and prays for appropriate relief.

3. Per contra, Mr.Syed Musthafa, learned counsel who accepts notice on behalf of the respondents 1 to 5 would submit that admittedly the petitioner did not fulfill the age requirement and as such, the order of dismissal, passed by the Tribunal, is perfectly in order.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. The primordial submission made by the learned counsel appearing for the petitioner is that to her knowledge, no eligible candidates within the prescribed age limit is available for the subject of Malayalam in Mahe region and that apart region wise selection is also resorted to and it would be difficult for the 5th respondent to identify / select the language Teacher in Malayam. It is the further submission of the learned counsel appearing for the petitioner that the petitioner possess more than the prescribed qualification in the form of M.A (PG degree in Malayam) and Doctorate (Ph.D in Malayalam) and that apart also cleared the most difficult test of NET and in the interest of students, her claim for selection to the said post can be positively and sympathetically considered by the respondents.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Admittedly, the petitioner possess more than the prescribed qualification, as stated above and it is also the submission of the learned Special Government Pleader appearing for the respondents 1 to 5 that there is some difficulty in selecting the language teachers, on account of the prescription of lesser age limit.

8. This Court, taking note of the above facts and circumstances, directs the petitioner to submit representation to the 3rd respondent along with her testimonies, praying for relaxation of the age criteria for selection to the post of language teachers in Malayam, in respect of Mahe region within a

period of one week from the date of receipt of a copy of this order / uploading of the order in the website and upon receipt of the same, shall consider the said representation in an objective manner and also on merits and dispose of the same, within a period of four weeks thereafter and communicate the decision taken, to the writ petitioner. Insofar as the merits of this Writ Petition is concerned, admittedly, the petitioner did not fulfill the age criteria and therefore, the reasons assigned by the Tribunal for dismissing the Original Application, at the admission stage, are in order.

9. In the result, the Writ Petition is dismissed, subject to above observation. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary to Government,
Union of India,
Government of Puducherry,
Chief Secretariat, Puducherry.

2. Secretary to Government (Education)
Government of Puducherry,
Chief Secretariat, Puducherry.

3. The Director,
Directorate of School Education,
'A' Block, I Floor,
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5.The Regional Administrator-cum-DPO
Samagra Shiksha, Mahe.

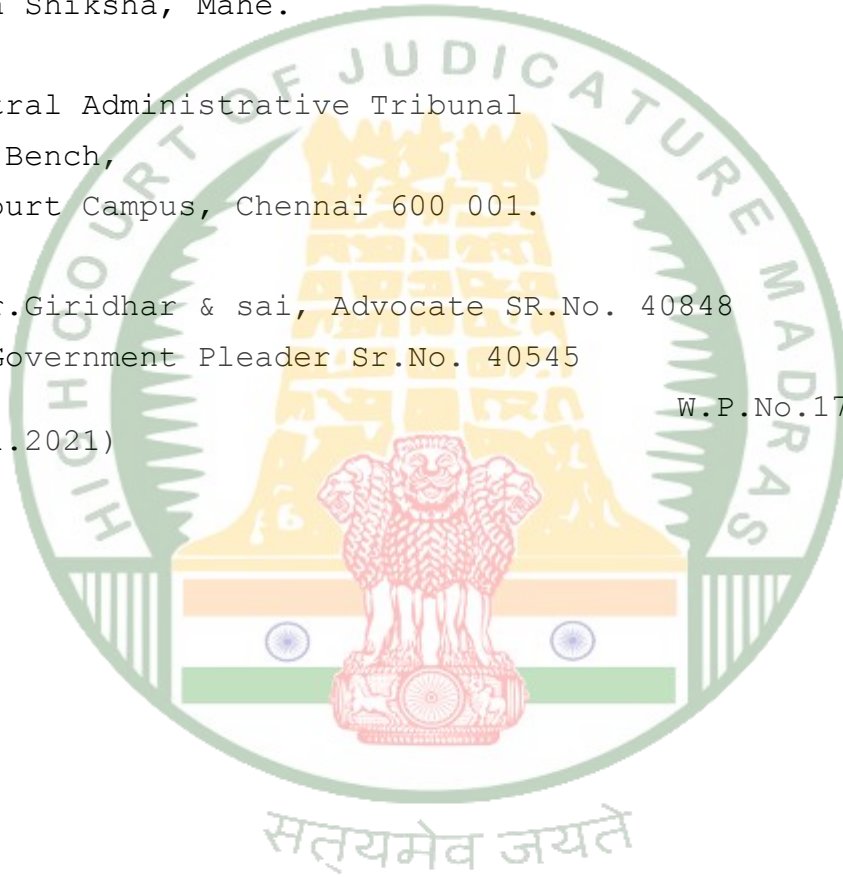
6.The Central Administrative Tribunal
Madras Bench,
High Court Campus, Chennai 600 001.

+1cc to Mr.Giridhar & sai, Advocate SR.No. 40848

+1 cc to Government Pleader Sr.No. 40545

W.P.No.17872 of 2020

A.SK(06.01.2021)



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