



W.P.No.18791 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.18791 of 2020 &
W.M.P. Nos.23356, 24860 & 24862 of 2020 and 955 of 2023

1. P. Dhanalakshmi
2. S. Abirami
3. D. Divya
4. M. Basira Beebi
5. I. Kayathri
6. D. Meena
7. M. Anandajothi
8. S. Pravina
9. M. Abinaya
10. D. Nithya
11. M. Anitha

...Petitioners

Vs.

1. Union of India, Rep. by
the Secretary to Government,
Government of Puducherry,



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Chief Secretariat, Goubert Avenue,
Beach Road, White Town, Puducherry 605 001

2. The Under Secretary to Govt (School Education)
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary Educational Complex,
100 feet Road, Anna Nagar
Puducherry 605 005.
 3. The Director of School Education
Directorate of School Education,
Perunthalaivar Kamarajar Centenary Educational Complex,
100 feet Road, Anna Nagar
Puducherry 605 005.
 4. The Deputy Director (ADMIN)
Directorate of School Education,
Perunthalaivar Kamarajar Centenary Educational Complex,
100 feet Road, Anna Nagar
Puducherry 605 005.
 5. The Registrar
Hon'ble Central Administrative Tribunal,
Madras Bench, Chennai 600 001.
 6. The Chairman
Central Bharat Sevak Samaj,
BSS Bhavan, Central Office, BB-11, Greater
Kailash-3, New Delhi 110 048
- ... Respondents

(R6 impleaded vide order dated 23.12.2020 made in WMP
No.24858/2020)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records pertaining to order dated 09.12.2020 passed by the 5th respondent Tribunal in O.A.No.310/547/2020; and to call for records pertaining to order No.29118/DSE/Estt-I/D3/2019 dated 04.11.2020 passed by the 2nd respondent and quash the same and to allow the OA as prayed for in the Original Application No.310/547/2020.

For Petitioners	: Mr. K. Chellapandian Senior Counsel
For R1 to R4	: Mr. R. Syed Mustafa Special Government Pleader (Puducherry)
R6	: No appearance.

ORDER

(R.HEMALATHA, J.)

The eleven unsuccessful applicants in O.A. No.547/2020 have filed this petition against the order dated 09.12.2020 by the Central Administrative Tribunal, Chennai Bench.

2. The brief facts of the case are as follows:

- i. All the petitioners had done BSS Diploma in Early Childhood Care



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Education at Bharat Sevak Samaj, National Development Agency.

All of them were eligible to apply for the post of Guest Balasevika on contract basis.

- ii. The notification dated 05.07.2019 was for the further recruitment of various posts including Guest Balasevika in Government Pre-Primary/Middle/High/Higher Secondary Schools in Puducherry, Karaikal, Mahe and Yanam regions. The written exam was to be held on 13.12.2020.
- iii. The list of ineligible candidates was issued on 18.10.2019 and the names of all the 11 petitioners were in the list. They approached this Court in W.P. No.28628/2019 and based on the order by this Court, the petitioners submitted a representation to the respondents dated 16.03.2020 which was rejected on 04.11.2020. This order concluded that the Bharat Sevak Samaj is functioning under National Development agency and not recognized by any University/Board and therefore the petitioners who possessed the Diploma from BSS were not considered for the post of Guest Balasevika.



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iv. This impugned order was challenged by the petitioners in O.A.No.547/2020, which found no irregularity in the order and therefore dismissed the O.A. This has been challenged in this petition.

3. Heard Mr. K. Chellapandian, learned Senior Counsel appearing for the petitioners and Mr. R. Syed Mustafa, learned Special Government Pleader appearing for the respondents 1 to 4.

4. The learned counsel appearing for the petitioners would contend that the BSS was recognized by Singhania University and that there were many earlier instances even since 2008 when candidates who obtained BSS Diploma were selected as pre-primary teachers. He also relied on the order dated 05.01.2013 issued by Personnel and Administrative Reform (Rules) Department, Government of Kerala that Diploma in Computer Application Course conducted by BSS is approved for appointment for posts in public services. His further reliance was on the Admission Notice dated 20.09.2019 issued by CRPF,



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Avadi, which recognized the one year course of BSS. Many instances of regularisation of Balasevikas who had diploma in BSS also were pointed out by the counsel and that all relevant documents for the Singhania University application and Memorandum of Understanding with Mahatma Gandhi University were furnished. According to him all the eleven candidates were allowed to participate in the written exam vide interim orders in W.M.P.No.23356/2020 and since nine of the eleven candidates (except sl. No.1 and 8) are found in the merit list, they could be considered for selection and that even the candidate No.8 S.Pravina would qualify under the meritorious sports woman quota and therefore except for one Dhanalakshmi who did not get the requisite marks in the written exam, all can be considered.

5. The learned Special Government Pleader (Puducherry) contended that ten out of eleven petitioners (except the 1st petitioner) having qualified in the exam will be accommodated in the existing vacancies for Balasevikas. He consented to the contention of the recognition of BSS and agreed to the plea of the counsel for the petitioners.



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6. In the circumstances, the writ petition is allowed except the case of P.Dhanalakshmi (1st petitioner). No costs. Consequently connected miscellaneous petitions are closed. The order dated 09.12.2020, passed by the Central Administrative Tribunal, Chennai Bench, in O.A.No.310/547/2020, is set aside.

(V.M.V.,J.) (R.H.,J.)
30.01.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga



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