



WEB COPY



WP No.9210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WP No.9210 of 2024

V.Saroja

... Petitioner

versus

1.Union of India,
rep. By Secretary to Government (Education)
Government of Puducherry,
Puducherry 605 001

2.The Director,
Directorate of School Education,
Government of Puducherry

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari calling for the records relating to the order dated 01.03.2024 in OA No.310/01026/2023 passed by the



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Central Administrative Tribunal at Chennai Bench and quash the same and allow the original application.

For the Petitioner :Mr.M.Gnanasekar
For the Respondents :Mr.R.Syed Mustafa,
Special Government Pleader

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

Challenging the order passed by the Central Administrative Tribunal in OA No.310/01026/2023 dated 01.03.2024, the petitioner has filed the present writ petition.

2. By consent of parties, this writ petition is taken up for final disposal at the admission stage itself.

3. Learned counsel for the parties informed the court that the issue involved in the present writ petition is squarely covered by the decision



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rendered by a Division Bench of this Court in WP No.7499 of 2024 etc., batch dated 25.03.2024 and WP No.6867 of 2024 etc., batch dated 20.03.2024.

4. The Division Bench of this Court in WP No.7499 of 2024 etc., batch dated 25.03.2024 and WP No.6867 of 2024 etc., batch dated 20.03.2024 has held as follows:

- *The impugned common order dated 01.03.2024 passed by the Central Administrative Tribunal, Chennai Bench insofar as the directions given in Paragraphs 9.2 and 9.3 is concerned, are hereby set aside to the extent it is being modified by the following directions.*
- *There shall be a direction to the Puducherry Government to immediately take steps for giving age relaxation for all such candidates or candidates of any category according to the wisdom and decision of the Puducherry Government ie., the Administrator of the Puducherry Government by exercising his power under Rule 6 of the Recruitment Rules.*
- *Such a decision shall be taken by the Administrator of Puducherry Government within a period of six weeks from the date of receipt of a copy of this order.*



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- *Once such a relaxation is given for upper age limit for a 'class or category of persons' within the meaning of Rule 6 of the Recruitment Rules, based on which, a corrigendum shall be issued by the Puducherry Government to the notification dated 23.10.2023, enabling some more candidates who may become eligible to make an application by virtue of such relaxation to be given by the Administrator to make application.*
- *It is made clear that pursuant to issuance of such corrigendum, the applicants who have already made applications need not make a fresh application.*
- *In the corrigendum, in respect of of Clause VIII of the notification with regard to the 10% weightage for employment exchange seniority, it must be given only for the essential qualification viz., Diploma in Teacher Education, that means, from the date of registration of Diploma in Teacher Education alone should be calculated to arrive at the 10% weightage of employment exchange seniority and such weightage shall be provided, and not on the basis of TET qualification registration.*
- *It is further made clear that, by virtue of this amended notification to be issued, it may not be understood that the TET is not an essential qualification. It is an essential*



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qualification, without which no applicant would be eligible to make application to participate in the selection process.

- *Correspondingly, the Directorate of Employment Exchange or as the case may be, the concerned officer who is looking after the employment exchange seniority registration issues in the Union Territory of Puducherry, shall re-draw the list of candidates based on the employment exchange seniority of essential qualification ie., Diploma in Teacher Education and accordingly re-drawn list to be forwarded by them to the Education Department, based on which the selection process shall go on.*

3. We expect that all the above directions would be complied with as early as possible, as large number of teachers ie., 145 Primary School Teacher posts are to be filled up in the Government schools, atleast before the commencement of the next academic year ie., 2024-25.

4. With all these directions, the order passed by the Tribunal dated 01.03.2024 since has been set aside to the extent of the directions given herein above, we dispose of these writ petitions accordingly. No costs. Consequently, connected miscellaneous petitions are closed.



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5. Learned counsel for the parties further submit that following the aforesaid orders of a Division Bench of this Court, this Court has passed a similar order in WP No.8586 of 2024 dated 01.04.2024. Hence, on the same line, order may be passed in this writ petition. The relevant paragraph of the order is extracted hereinunder:

4. In view of the submissions made by the learned counsel for the parties and following the earlier order passed by a Division Bench of this Court in WP No.7499 of 2024 etc., batch dated 25.03.2024, as referred to above, which squarely covers the issue involved in the present writ petition, the impugned order in OA No.1110 of 2023 dated 01.03.2024, passed by the Tribunal is set aside and consequently, the writ petition stands allowed on the same lines. There shall be no order as to costs. Consequently WMP Nos.9542 and 9544 of 2024 are closed.

6. In view of the submissions made by the learned counsel for the parties and following the earlier orders passed by a Division Bench of this Court in WP No.7499 of 2024 etc., batch dated 25.03.2024 and WP No.6867 of 2024 etc., batch dated 20.03.2024 and the order passed by this Court in WP No.8586 of 2024 dated 01.04.2024, as referred to above, which



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squarely covers the issue involved in the present writ petition, the impugned order in OA No.310/01026/2023 dated 01.03.2024, passed by the Central Administrative Tribunal is set aside and the writ petition is disposed of on the same lines. There shall be no order as to costs. Consequently WMP Nos.10250, 10251 and 10253 are closed.

[D.K.K., J.] [K.B., J.]
05.04.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

- 1.The Secretary to Government (Education)
Government of Puducherry,
Puducherry 605 001
- 2.The Director,
Directorate of School Education,
Government of Puducherry



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D.KRISHNAKUMAR, J.
and
K.KUMARESH BABU, J.

(mrn)

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