



WEB COPY



W.P. Nos.10502, 10255, 24817 of 2021
and 12397 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.10502, 10255, 24817 of 2021
and 12397 of 2020

W.P.No.10502 of 2021

M.Ligori Anita Mary

/vs/

... Petitioner

1. The Director of School Education,
Puducherry.

2. The Principal / Headmaster,
Immaculate Heart of Mary's
Government Aided High School,
Ariyankuppam,
Puducherry-10.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to grant approval of petitioner's appointment as Physical Education Teacher in the second Respondent School with effect from the date of her appointment i.e, 01.07.2013 and grant her all consequential benefits.



W.P. Nos.10502, 10255, 24817 of 2021
and 12397 of 2020

W.P.No.10255 of 2021

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R.Suseela

...

/vs/

Petitioner

1. The Director of School Education,
Puducherry.

2. The Principal / Headmaster,
Immaculate Heart of Mary's
Government Aided High School,
Reddiarpalayam,
Puducherry-10.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to grant approval of petitioner's appointment as Drawing Teacher in the Second Respondent school with effect from the date of creation of the post i.e, 21.07.2006 and grant all consequential benefits.

W.P.No.12397 of 2020

Y.A.Rajan

...

/vs/

Petitioner

1. The Director of School Education,
Puducherry.

2. The Headmaster,
Our Lady of Lourdes Government
Aided Boys' High School,
Villianur, Puducherry-10.

... Respondents



W.P. Nos.10502, 10255, 24817 of 2021
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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the first respondent to consider the proposals submitted by the second Respondent for approval of the petitioner's appointing as School Librarian in the second respondent school with effect from the date of acquiring the prescribed qualification, namely, 01.05.2009 and pass appropriate orders thereon within a time limit to be fixed by this Court.

W.P.No.24817 of 2021

D.Sonia Mary Helen

/vs/

...

Petitioner

1. The Director of School Education,
Puducherry.

2. The Principal / Headmaster,
Immaculate Heart of Mary's
Government Aided Boys
& Girls' High School, Nellithope,
Puducherry-605 005.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the first respondent to grant approval of the petitioner's appointment as Physical Education Teacher in the Second Respondent School with effect from the date of appointment, i.e., 06.06.2016 and grant her all consequential benefits within a time limit to be stipulated by this Court.



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For Petitioner in
W.P.No.10502 of 2021
& W.P.No.24817 of 2021 ... Mr.J.Lakshminarayanan

For Petitioner in
W.P.No.10255 of 2021 ... Mr.V.Vijayashankar

For Petitioner in
W.P.No.12397 of 2020 ... Mr.P.Manojkumar

For Respondents ... Mr.R.Syed Mustafa
(in all W.P's.) Special Govt. Pleader (Puducherry)

COMMON ORDER

The petitioners are found to be appointed as Physical Education, Drawing Teacher, School Librarian, at the second respondent Schools. Their appointments have been sent for getting the approval of the first respondent but so far, the approval has not been given. Aggrieved over that the petitioners have filed these writ petitions.

2. It is learnt that during the pendency of these Writ Petitions, the proposal seeking approval have been returned on 31.03.2023 vide Circular No.3003/DSE-GIAS/U5/2022.



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3. The core contention of the respondents is that the approval cannot be given along with grant-in-aid to the appointments made by the second respondent schools unless they comply with the Pondicherry School Education Rules. As per the said Rules, the second respondent school has to frame recruitment rules and get the approval of the Government. So far the second respondent school has not framed any recruitment rules and got the approval of the Government. It is further submitted that the writ appeals in W.A.No.2842 of 2018 & batch, have already been filed challenging the Puducherry School Education Act,1987 read with Rules and the proceedings are pending before the Division Bench of this Court.

4. However, it is claimed by the learned counsel for the petitioners and second respondent that the second respondent is the minority school and the first respondent cannot enforce any mode of recruitment and it is the autonomy of the second respondent to choose any reasonable mode of recruitment and hence withholding its approval is not fair and proper. It is further submitted that approvals have been given on 11.09.2020 for the



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appointment of 8 teachers who have also been appointed in the same manner in which the petitioners have been appointed and that the recruitment rules framed by the Committee has been sent to the Government and the Government has not approved the rules so far.

5. The proposals sent by the second respondent schools for appointing the petitioners have been returned by stating that there is an interim stay order granted by staying the statutory powers of the Director of School Education under Puducherry School Education Act and Rules made thereunder and hence the proposals cannot be considered for approval. It is further submitted that the petitioners were appointed on consolidated wage basis without any prior approval. So far as the submission with regard to approval of recruitment rules framed by the second respondent school is concerned, the same is still pending with the Government.



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6. Since the second respondent is an aided minority institution, the second respondent has got right under Article 30(1) of the Constitution of India to design a fair recruitment process and make appointments.

7. Despite the appointments were made more than a decade ago, the first respondent has not considered the same. The alleged order of stay has been granted on 03.07.2008. However the respondents seem to have given approvals for several appointments consequent to the stay order. When such is a case, I do not find any reason to adopt a different parameter for considering the proposals involved in these cases. The impact on the grant of approval in respect of appointments involved in these writ petitions will be the same as that of the other appointments for which approval has been given during the pending writ appeal. Hence, I feel it is appropriate for the first respondent to consider the proposals for approving the appointments of the petitioners.

8. Accordingly, these writ petitions are disposed with a direction to the first respondent to consider the proposals sent by the second



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respondent for approving the appointments of the petitioners in the light of the earlier approval given in the case of the other appointments. It is needless to state that all approvals will be subject to the outcome of pending W.A.No.2842 of 2018 batch. No costs.

31.01.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No
vum

To:

The Director of School Education,
Puducherry.



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R.N.MANJULA ,J.

vum

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