



WP.Nos.31806 & 31807 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

WP.Nos.31806 & 31807 of 2019
and WMP.No.32046 of 2019

S.Aruna

.. Petitioner in both cases

v.

1.The Union of India
Represented by the Secretary to Government
Education Department
Government of Union Territory of Puducherry
Puducherry.

2.The Director of School Education
Government of Union Territory of Puducherry
Puducherry.

3.Thennagathamizhan, K

4.Maheswary, P

5.Tharanidaran, V

6.Velavan, R



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7.Sudandiram, S

8.Shalini, P

9.Vinothini, M

10.Madhavan, A

11.Ranjitha, K

12.Bharathiraja, M

13.Santhiya, P

14.Ilavarasi, B

15.Murugan, M

16.Pushparaj, N

17.Kowsalya, S

18.Nandini, P

19.Vasantharaj, J

20.Prabakaran, P

21.Sivamathi, G

22.Parameswari, S

23.John Joseph

24.Sandirassegarane, K

25.Sendhil, R



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26.Devendiran, R

27.Ilavarasan, I

28.Jayabharathi, P

29.Sadheesh, A

30.Sharan Mohan, S

31.Vineetha, MM

R3 to R31 selectees having address at
C/o.Director of School Education, Puducherry.

... respondents in WP.No.31806 of 2019

1.The Union of India

Represented by the Secretary to Government
Education Department
Government of Union Territory of Puducherry
Puducherry.

2.The Director of School Education

Government of Union Territory of Puducherry
Puducherry.

3.Viknesh, A

4.Balamurugan, B

5.Vaddi Varaprasad, R

6.Bharathi, S

7.Sujith Jayan Alex, J

8.Vinoth, Y



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10.Vinothini, M

11.Maheswary, P

12.Ashok Kumar, J

13.Murugalayan, K

14.Kamalacannane, A

15.Vidya, JC

16.Murugan, D

17.Pregash, D

18.Murugaraj, M

19.Arul Prasad, J

20.Sithanandam @ Muthukumaran, D

21.Senthil, R

22.Sudandiram, S

23.Tharanidaran, V

24.Elamvazhudhi, S

R3 to R24 selectees having address at
C/o.Director of School Education, Puducherry.

... respondents in WP.No.31807 of 2019

Prayer : Petition filed under Article 226 of the Constitution of



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India seeking to issue writ of certiorarified Mandamus calling for the records on the file of the Central Administrative Tribunal relating to the impugned order dated 18.10.2019 passed in OA.No.1744 of 2015 & OA.No.38 of 2016 respectively and quash the same and consequently direct the respondents 1 & 2 to redo the selection for the post of Physical Education Teacher and select the petitioner and appoint her in accordance with law.

For Petitioner : Mr.T.Sai Krishnan
(in both cases) for Mr.Kamala Kumar

For Respondents : Mr.R.Syed Mustafa, Spl.GP (Pondy)
(in both cases) for R1 & R2
No appearance for R3 to R31.

COMMON ORDER

(Made by the Hon'ble Mr.Justice S.M.SUBRAMANIAM)

Under assail is the Order dated 18.10.2019 passed in OA.No.1744 of 2015 and OA.No.38 of 2016.

2. The petitioner before us instituted OA.No.1744 of 2015 and OA.No.38 of 2016 before the Central Administrative Tribunal, seeking the relief to set aside the recruitment notification dated 31.12.2014 and to direct the respondents to redo the selection process for recruitment to the



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post of Physical Education Teacher and select and appoint the petitioner.

3. The Central Administrative Tribunal dismissed the Original Applications filed by the petitioner, which resulted in institution of the present writ proceedings.

4. It is not in dispute that the recruitment notification for selection to the post of Physical Education Teacher was issued by the respondents vide notification dated 31.12.2014, which reveals that recruitment was conducted to fill up 30 posts of Physical Education Teacher in the pay band of Rs.9,300 - 34,800/- + Grade Pay of Rs.4,600/- in the Directorate of School Education, Puducherry. The notification contained number of vacancies, reservation details, eligibility conditions, mode of recruitment etc. The eligibility conditions as per the notification was that the candidates must be between 18 and 30 years as on 03.02.2015, which was the last date for receipt of application. The educational and other qualifications prescribed are as under :-

“(b) Educational and other qualifications:-

i) Bachelor's degree in any discipline from any



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recognised University.

ii) Bachelor of Physical Education (B.P.Ed)

from any recognised University and

iii) Should have studied particular regional

language (Tamil / Malayalam) as one of the subjects

in the Secondary level.)”

5. Yet another notification was issued on the same date (i.e.) 31.12.2014 for recruitment to the post of Physical Education Teacher and the number of vacancies notified was 22.

6. The petitioner had submitted two applications, pursuant to two notifications issued on the same day for 30 posts and 22 posts of Physical Education Teacher respectively.

7. The petitioner was unsuccessful in the process of selection and filed Original Applications before the Central Administrative Tribunal mainly on two grounds. Firstly, the rule of reservation has been improperly adopted resulted in erroneous application of reservation. Secondly, the B.P.Ed decree obtained by certain candidates, participated



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in the process of selection are invalid, since, it was not approved by the National Council for Teachers Education.

8. The learned counsel for the petitioner would submit that the above two grounds would invalidate the selection process. Thus the Tribunal ought to have set aside the selection list, which was under challenge.

9. The learned counsel for the petitioner would reiterate that the candidates who scored higher marks in the process of selection are accommodated in the reserved vacancies despite the fact that they are entitled to be accommodated under the general category. Wrong application of rules of reservation resulted in denial of opportunity to other candidates eligible to be accommodated under the reserved category.

10. The learned Government Pleader appearing on behalf of the Government of Puducherry would oppose by stating that the process of selection was conducted in accordance with the recruitment rules in force. The selection process was notified and having accepted the



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conditions stipulated in the selection process the petitioner cannot turn around and claim that they are eligible to be appointed under the reserved category. The rule of reservation was followed in accordance with the OM as applicable and there is no irregularity.

11. We have considered the arguments of the learned counsel appearing for the petitioner and the learned Government Pleader (Puducherry) appearing for the respondents 1 and 2.

12. Pertinently, the issue relates to reservation and its improper application. The learned Government Pleader for the respondents would submit that the rules of reservation was applied strictly as per the notifications and the rules in force. The petitioner could not able to establish any discrepancies in the matter of implementation of reservation policy. Therefore, the said ground deserves no merit and consideration.

13. We have carefully gone through the candidates selected under the categories viz., General category, OBC category and SC category.



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Based on the age relaxation granted to the reserved category and taking into account the merit ranking of the respective candidates selected list was published. We could not able to identify any discrepancy nor the petitioner could able to establish any irregularity in the matter of application of rules of reservation. In the absence of any specific ground to establish improper application of reservation, Courts would not be in a position to consider the relief so as to interfere with the process of selection already concluded in the year 2015 itself.

14. Regarding the marks secured by the petitioners, the respondents in their counter has elaborated the procedures adopted for selection, which reads as under :-

“14. I respectfully submit that the petitioner herein had also applied for the post against 22/30 vacancies and her net percentage of mark is 56.548%. The cut off marks under UR/OBC category is 67.950 / 67.353 (22 Post), 65.013 / 62.739 (30 posts). As the petitioner got less mark than the



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cut off percentage mentioned above she was not selected. The petitioner states that she had secured 70.65% which is not correct. The petitioner has conveniently failed to state that she had taken three attempts to pass her Degree examination. As per GO.Ms.No.60 dated 08.06.2012 5% of the marks has to be deducted for each attempt. Accordingly, 239.4 marks were deducted for three attempts. Her actual net percentage marks calculated as per GO.MS.No.60 dated 08.06.2012 is as follows :-

a	Degree Marks obtained by the candidates (out of 3000) and total no. of attempts.	1596 (3 attempts)
b	Marks after deduction of additional attempts (five percentage of marks will be deducted from the overall marks)	1 attempt = $1596 \times 5\% = 79.8$ Total 3 attempt = $79.8 \times 3 = 239.4$ Total Marks deducted = $1596 - 239.4 = 1356.6$
c	B.P.Ed Marks (out of 1300)	897
d	Weighted Average Mark (b+c)	$\frac{\text{Total marks obtained} = (1356.6 + 897)}{\text{Max Marks} = (3000 + 1300)} = \frac{2253.6}{4300} = 0.52409$
e	Percentage	0.52
f	Converted to 85%	$52.409\% \times 85 = 44.548\%$
g	Employment Weightage (15%) (1.5 mark per year * 8 years)	0.12



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h	Total (f + g)	(44.548 + 12)% = 56.548%
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15. With reference to the grounds, that the B.P.Ed decree was not recognised by National Council for Teachers Education, the respondents would submit that the community college and University of Puducherry are funded by Government and hence the B.P.Ed course got retrospective recognition. The Central Administrative Tribunal in the order impugned made a findings that the parliament had now passed National Council for Teacher Education (Amendment) Act 2019 giving retrospective recognition of teacher Education decree granted by the Central / State Government institutions.

16. Since, the Puducherry University has recognised the B.P.Ed decree, we do not find any reason to form an opinion that the B.P.Ed decree obtained by some of the candidates are invalid.

17. The petitioner could not able to establish that the process of selection was tainted or the rule of reservation was not implemented. In the absence of any evidence to establish illegality and irregularity in the



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process of selection, the Court would not interfere with the process of selection or appointment.

18. The selection or appointment per se cannot be claimed as an absolute right. Process of selection, if tainted with the allegations of irregularity or illegality such grounds are to be established beyond any pale of doubt. In the present case, the selection was concluded in the year 2015 and the selected candidates were appointed and serving in the department for the past about 10 years. Under these circumstances, we do not find any infirmity warranting interference from the hands of this Court, particularly regarding the findings and the decision arrived by the Central Administrative Tribunal.

19. Thus the order impugned stands confirmed. Consequently, the writ petitions are dismissed. Consequently, connected miscellaneous petition is closed. No costs.

(S.M.S., J) (M.J.R., J)
05.11.2024

Index : Yes/No



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Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To
The Registrar
Central Administrative Tribunal
High Court Campus,
Chennai – 600 104.

S.M. SUBRAMANIAN, J.
and
M. JOTHIRAMAN, J.

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