



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

WEB COPY

**CORAM
THE HON'BLE MR JUSTICE M.DHANDAPANI**

WP No. 4967 of 2024

AND

**WMP NO. 10277 of 2024, WMP NOS. 11381, 11382, 11383, 11386,
11387, 11389, 11390, 11391, 11393, 11394, 11396, 11397 & 11399 OF 2024 &
WMP No. 23239 of 2025**

Fatima Govt. Aided Boys High School
Rep. By Its Headmaster-cum-correspondent,
Fr.A.Magimai
S/o.S.Arulappan,
Christian Karuvadikuppam,
Puducherry-605 008.

..Petitioner(s)

Vs

1. The Secretary To Government
for (Education) Chief Secretariat,
Puducherry-605 001.
2. The Director
Directorate Of School Education, A Block,
I Floor, Perunthalaivar Kamaraj Centenary
Educational Complex, 100 Ft Road, Anna
Nagar, Puducherry-605 005.

..Respondent(s)

PRAYER

Writ Petition is filed under Art. 226 of Constitution of India, seeking for issuance of Writ of Certiorari, to call for the records of the second respondent with No.0609/ DSE/ GIAS/ U5/ 2023 dated 11.09.2023 and the order with No.0609/ DSE/ GIAS/ U5 / 2023 dated 14.12.2023 and order with No.0609/ DSE/ GIAS/ U5/ 2023 dated 21.12.2023 and to quash the same



For Petitioner(s): Mr. V.Ajayakumar

For Respondent(s): Mr. Syed Mustafa,
Spl. Govt. Pleader

Order

This Writ Petition has been filed challenging the impugned orders of 2nd respondent passed in No.0609/ DSE/ GIAS/ U5/ 2023 dated 11.09.2023 and the order in No.0609/ DSE/ GIAS/ U5 / 2023 dated 14.12.2023 and order in No.0609/ DSE/ GIAS/ U5/ 2023 dated 21.12.2023 dated 11.09.2023, 14.12.2023 and 21.12.2023 and to quash the same.

2. Mr.V.Ajayakumar, learned counsel for petitioner would submit that the petitioner's management is running an aided school. The petitioner in W.P.Nos.34143 to 34147 of 2014 and other Writ Miscellaneous Petitions were filed by different management.

3. The case of petitioner management is that the petitioner management is an aided school and they are governed by Rule 32(2) of the School Education Rules, 1996, thereby Grant-in-aid scheme shall be paid to the management in the form of maintenance grant and contingent grant. Maintenance grant is of recurring in nature, which includes salary, pension etc. Contingent grant is non-recurring in kind and they are released for administration and maintenance of the school. As per the said provision, the Government has to pay 95% of the pension grant for the retired staff of Grant-in-Aid schools and the petitioner management has to contribute 5% towards the salary of the employees as per



Sec.33 of the Puducherry School Education Act. Some of the teachers, who were retired have approached this court to pay pensionary benefits out of 95% of maintenance fund and contingent fund payable by the Government in W.P.No. 23560 to 23563 of 2015 and this Court by its order dated 09.08.2023 directed the Government to pay pensionary benefits to the retired teachers and also directed to collect 5% shares from the management. But, without considering the same, the 2nd respondent passed the impugned orders. Now challenging the same, the present Writ Petition has been filed.

4. The learned counsel for petitioner would further submit that it is the duty of the management to protect the teachers, who were employed in the petitioner management and if periodically 95% of the contribution is paid by the Government, there is no problem for the teachers to receive the pensionary benefits and disburse the salary for the retired teachers. The non-payment of 95% of contribution to the management by the respondents Government and the pensionary benefits to the retired teachers, this situation arise. Hence, the impugned orders issued by the 2nd respondent to remit their share of 5% of pension and other pensionary benefits is not sustainable. Hence, they prayed to set aside the impugned orders passed by the 2nd respondent.

5. Per contra, learned counsel for respondents would submit that the impugned orders are passed only on the basis of direction issued by this court in the said W.P.No. 23560 to 23563 of 2015 dated 09.08.2023, wherein this court directed the Director of School Education, Government of Puducherry to take



appropriate steps to collect the management shares of 5% payable to the retired teachers within a period of four weeks from the date of receipt of copy of order.

Further, this Court directed the 1st respondent to take stringent action against the school management for remittance of share of 5% of pensionary benefits of retired teachers, thereby the present impugned orders were passed. The present impugned orders passed is strictly in accordance with the direction issued by this court and not on their own. Therefore, the prayer sought in this Writ Petition is misconceived.

6. In the result, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

17-12-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

1. The Secretary To Government
for (Education) Chief Secretariat,
Puducherry-605 001.
2. The Director
Directorate Of School Education, A Block,
I Floor, Perunthalaivar Kamaraj Centenary
Educational Complex, 100 Ft Road, Anna
Nagar, Puducherry-605 005.
3. The Public Prosecutor, High Court, Madras.



WEB COPY

WP No. 4967 of 2



M.DHANDAPANI J.

RPP

**WP No. 4967 of 2024
AND**

**WMP NO. 10277 of 2024, WMP NOS. 11381, 11382, 11383, 11386,
11387, 11389, 11390, 11391, 11393, 11394, 11396, 11397
& 11399 OF 2024 & WMP No. 23239 of 2025**

17-12-2025