



W.P.No.3170 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.3170 of 2021

A. Joseph Adaikalam

... Petitioner

Vs

1. The Director of School Education
Puducherry.

2. The Rev.Fr.Secretray
Arch Diocesan Board of Education,
Puducherry.

3. The Principal/Headmaster
Fatima Higher Secondary School,
Puducherry – 8.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order of the first respondent in No.13654/DSE-GIAS/U5/LGPMC/2020-21 dated 18.01.2021 and quash the same and direct the first respondent to grant approval of the petitioner's appointment as Trained Graduate Teacher (Maths) in the third



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respondent School with effect from 10.07.2013 and grant him all consequential benefits

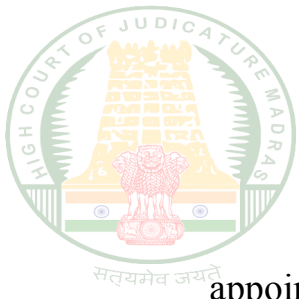
For Petitioner : Mr.P.Mohanraj

For Respondent : Mr.R.Syed Mustaf,Spkl.GP(Pondy)

ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the first respondent in No.13654/DSE-GIAS/U5/LGPMC/2020-21 dated 18.01.2021, to quash the same and direct the first respondent to grant approval for the petitioner's appointment as Trained Graduate Teacher (Maths) in the third respondent School, with effect from 10.07.2013 and grant him all consequential benefits.

2. The petitioner is working as Trained Graduate Teacher (Maths) at Fatima Government Aided Boys High School, Karuvadikuppam, Lawspet, Puducherry. The petitioner was appointed as Smart Class Computer Teacher cum Trained Graduate Teacher (Maths) by an



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appointment order dated 10.07.2013, issued by the management of the third respondent School. The petitioner's appointment as Trained Graduate Teacher (Maths) was against a sanctioned post in the vacancy caused by the promotion of the incumbent teacher as Head Master Grade II. The petitioner was appointed in the year 2013 and several proposals were sent by the third respondent for approval of his appointment. However, no, approval has been granted till date. The petitioner has been making repeated representations to the first respondent who is the competent authority to grant approval for his appointment.

3. While so, the petitioner received a communication from the office of the first respondent in No.13654/DSE-GIAS/U5/LGPMC/2020-21, dated 18.01.2021, stating that the power of approval of the Director was stayed by this Court in W.P.No.35996 of 2007 and therefore the Director could not accord approval for appointment. The petitioner relying on several orders of approval granted to various persons stated that the impugned order passed by the first respondent was highly arbitrary, discriminatory, unjust and unfair. Aggrieved by the impugned



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order, the petitioner has filed the writ petition for the aforesaid relief.

4. The respondents filed a detailed counter stating that the petitioner was working as Trained Graduate Teacher on consolidated basis in Fathima Government Aided Boys High School, Puducherry, falling under the Council of Administration of Archdiocese of Pondicherry. However, the Council of Administration of Archdiocese of Pondicherry, represented by its Secretary, preferred a writ petition in W.P.No.35996 of 2007, against the Union Territory of Puducherry rep. by its Secretary, Department of Education, Puducherry and another challenging Sections 11 and 21 of the Pondicherry School Education Act, 1987 and Rule 22(1) & 22(a), (b), (c), (d), (i), (k), (m), (r), 43(1), 52 and 54(2) & (3) of the Pondicherry School Education Rules, 1996, which inter alia, empowered the Director of School Education, Puducherry, to accord approval for the appointments made by the managements of aided schools. As the power of approval of the Director was stayed, the Directorate vide circular No.3003/DSE-GIAS/U5/2022 dated 31.03.2023 issued instructions stating that the proposals seeking approval of Grant-



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in-aid for teachers received by the Directorate would not be considered and stood returned.

5. The learned counsel for the petitioner submitted that the Hon'ble Division Bench of this Court in W.A.No.2842 of 2018 batch etc., passed order issuing certain directions and therefore following the said order, the petitioner's case also should be considered. The directions issued by the Hon'ble Division Bench read as follows;

(a) The Authority is directed to consider the application for grant of approval submitted by the respective Managements and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order.

(b) While carrying out such exercises, the cases in which the appointed Teachers have either resigned or superannuated need not be considered for grant of approval.

(c) While considering the approval of teachers who are appointed after 2001 but before 16.12.2014 they shall necessarily fulfill the qualifications prescribed under the Schedule to Regulations, 2001.

(d) As regards to the applications for grant of approval for Teachers who have been appointed either through direct recruitment or by way of promotion after 16.12.2014 will have to fulfill the minimum qualifications prescribed under the Regulations, 2014.



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6. The learned Special Government Pleader fairly submitted that the petitioner's case would also be considered as per the directions of the Hon'ble Division Bench of this Court, however, the respondents in order to consider the individual cases and pass orders thereon would require a minimum of three (3) months time.

7. Recording the submission of the learned Special Government Pleader, the writ petition is disposed of, with a direction to the respondents to consider the petitioner's case and pass orders, on the petitioner's representation for grant of approval for his appointment in the light of the directions issued by the Division Bench of this Court cited supra, within a period of three months from the date of receipt of a copy of this order. No costs.

08.04.2025

dpq
Index: Yes/No
Speaking order / Non speaking order



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N. MALA, J.

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