



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.18423 of 2018

Confederation of Private Schools Staff
Association, No.7-B, Moovendhar Street,
Mullai Nagar, Orlenanpet, Pondicherry 605 005.
represented by its
General Secretary A.Christopher. ...

Petitioner

/vs/

1.The Secretary to Government,
Education Department,
Government of Pondicherry,
Chief Secretariat, Pondicherry.

2.The Director of School Education,
Education Department,
Government of Pondicherry,
Pondicherry. ...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned order of the second respondent in No.11831/DSE/GIAS/U.III/2016-2017 dated 23.05.2017 and quash the same and direct the respondents to take appropriate action for extension of benefit granted to the Teachers and Staff of Government School to the Teachers and staff of Government Aided Schools in the Union Territory of Puducherry as explained in the Petitioner's representation dated 30.06.2016 and issue appropriate orders.



For Petitioner : Mr.P.Rajendran
For Respondents : Mr.R.Syed Mustafa,
Special Government Pleader

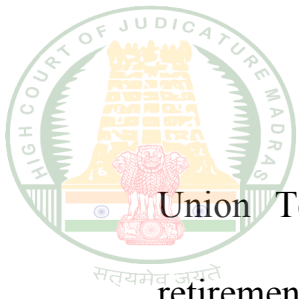
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ORDER

This writ petition has been filed to call for the records relating to the impugned order of the second respondent in No.11831/DSE/GIAS/U.III/2016-2017 dated 23.05.2017 and quash the same and direct the respondents to take appropriate action for extending the benefits granted to the Teachers and Staff of Government School to the Teachers and staff of Government Aided Schools in the Union Territory of Puducherry by considering the Petitioners' Association representation dated 30.06.2016. The Petitioners' Association is aggrieved by the order passed by the second respondent on 23.05.2017, whereby the representation of the Petitioners' Association was rejected.

2. Heard Mr.P.Rajendran, learned counsel for the petitioner, Mr.R.Syed Mustafa, learned Special Government Pleader for the respondents and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the Petitioners' Association comprises teaching and non-teaching staff of private schools in the

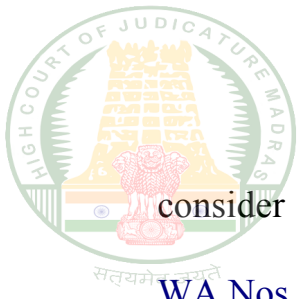


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Union Territory of Puducherry. A large number of vacancies caused by retirement and other contingencies remain unfilled and the posts newly created by G.O.Ms.86 Chief Secretariat (Eductin), Puducherry dated 21.7.2006 have not been filled up. The Government of India introduced a new pension scheme which came into operation with effect from 01.01.2004 and it was made applicable to all new entrants in Central Government services on or after that date.

4. Despite the new pension scheme was extended to the employees of the Government-Aided school vide [G.O.Ms.No.122](#), Chief Secretariat (Education), Government of Puducherry, dated 25.10.2010, the same has not been implemented in respect of the employees of the government-aided schools. Despite the rules having been amended in the year 2003 to ensure parity between the department of the aided government school teachers and the government school teachers and staff, the same has not been implemented. The representations submitted by the petitioners' association were also not considered favourably, and that was the cause of action of this writ petition.

5. However, the learned special government pleader for the respondents submitted that the Hon'ble Division Bench of this Court had the occasion to



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consider the batch of writ petitions filed by similarly placed persons in W.A.Nos.2842 of 2018 batch to raise similar issues. After an exhaustive consideration of various submissions made by both sides, the Hon'ble Division Bench is pleased to pass the order with the following directions:

"55. In view of the aforesaid discussions, we dispose of these batch of cases in W.A.Nos.2842, 2176, 2557, 2848, 2040 of 2018 & 768, 873 of 2019 and 125 of 2021 and W.P.Nos.10371 to 10374 of 2014 & 12940 to 12942 of 2015 & 21850 to 21854 of 2015 & 22129 & 22130 of 2015 and 27170 to 27173 & 21062 of 2015 with the following directions:~

(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



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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."

6. Since the committee has been reconstituted and it is going to look into the matter afresh , I feel the petitioner's representation can also give a fresh look by the committee and orders may be issued afresh.

7. In view of the above stated reasons, this Writ Petition is **allowed**. The impugned order passed by the second respondent in No.11831/DSE/GIAS/U.III/2016-2017 dated 23.05.2017 is set aside and the respondents are directed to place the petitioner association's representation dated 13.03.2016 in the newly constituted committee for its consideration by giving due opportunity to the petitioners to make their submissions before the committee in order to enable the committee to take cognizance of the matter and pass appropriate orders. No costs.

25.03.2025

Index : Yes
Internet : Yes/No
jrs



R.N.MANJULA, J.
jrs

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To

- 1.The Secretary to Government,
Education Department,
Government of Pondicherry,
Chief Secretariat, Pondicherry.
- 2.The Director of School Education,
Education Department,
Government of Pondicherry,
Pondicherry.

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