



WEB COPY

WP No. 21394 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 21394 of 2018

Sr.S.Josephine Selva Rani,
Immaculate Heart of Mary Higher Secondary
School, 275, Mission Street, Puducherry-605 001.

..Petitioner(s)

Vs

1. The Director of School
Education, Government of Puducherry,
Directorate of School Education,
Puducherry-605 005.
2. The Joint-Director of School
Education, Government of Puducherry,
Directorate of School Education,
Pducherry-605 005.
3. Director of Accounts and
Treasuries, Government of Puducherry,
Directorate of School Education,
Pducherry-605 005.
4. The Senior Accounts Officer,
Government of Puducherry, Directorate of School
Education, Pducherry-605 005.
5. The Provisional/Manager,
Immaculate Heart of Marys Provincialate
Srinivasa Pillai Street, Thiruppapuliyur,
Cuddalore-607 002.



6. The Correspondent/Manager,
Immaculate Heart of Mary Higher Secondary
School, 275, Mission Street, Puducherry-605 001.

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..Respondent(s)

Prayer: Calling for the records pertaining to the impugned order dated 10.06.2013, in No.11393/ DSE/ GIAS/ U.III/ 2009-10 and the consequential order dated 23.04.2018 in No.11393/ DSE/ GIAS/U.III/ 2009-10 on the file of the 1st respondent and quash the same directing the respondents 1 to 4 to confirm the approval granted to the appointment of the petitioner as Headmistress of the 6th respondent, Immaculate Heart of Mary Higher Secondary School, 275, Mission Street, Puducherry-605 001 vide Memorandum dated 21.07.2010 in No.11393/ DSE/GIAS/ U.III/2009-10 on the file of the 4th respondent with all monetary and other service benefits.

For Petitioner: Dr. Father Xavier Arulraj, Senior Counsel

For M/s. Father Xavier Association

For Respondents: Mr.R.Syed Mustafa, Spl.GP (Pondy)

For M/s. B. Nambiselvam – R1 toR4

R5 & R6 – No appearance

ORDER

The challenge in the present writ petition is to the order dated 10.06.2013 bearing No.11393/DSE/GIAS/U-III/2009–10, as well as the consequential order dated 23.04.2018, passed by the first respondent. By the said orders, the approval granted to the appointment of the petitioner as Headmistress Grade-I was withdrawn.



2. The brief facts necessary for disposal of the present writ petition are as follows: The petitioner was appointed as Headmistress on 17.06.2009 in the sixth respondent school, and the said appointment was duly approved by the competent authority. Thereafter, the petitioner continued to serve as Headmistress Grade-I. While so, the fourth respondent, by order dated 10.06.2013, withdrew the approval granted to the appointment of the petitioner as Headmistress Grade-I.

3. However, upon a representation submitted by the petitioner seeking consideration of her case for appointment to the post of Headmistress Grade-I, she was permitted to continue in the said post pending examination of her request. Subsequently, the first respondent, by the impugned order dated 23.04.2018, confirmed the order passed by the fourth respondent withdrawing approval of the petitioner's appointment.

4. The reason assigned for withdrawal of approval was that the petitioner did not possess the requisite three years of teaching experience in the post of Headmistress Grade-II and was therefore ineligible for appointment to the post of Headmistress Grade-I.

5. Heard Learned Counsel for the parties.



6. As per the Recruitment Rules, the qualification prescribed for appointment to the post of Headmaster Grade-II is that the candidate must possess a B.A./B.Sc./B.Com or an equivalent degree along with a Degree in Teaching from a recognised University or C.A.P., in addition to ten years of teaching experience, including three years of experience as Headmaster Grade-II / Headmistress of an Upper Primary (Middle) School, and proficiency in the language which is the medium of instruction in the school.

7. In the present case, it is not in dispute that the petitioner possesses the requisite educational qualifications prescribed under the Recruitment Rules. However, she did not possess three years of teaching experience as Headmistress Grade-II as on the date of her appointment as Headmistress Grade-I. The impugned orders state that the petitioner had worked only as a Principal in private schools in the States of Bihar and Tamil Nadu and therefore did not satisfy the requirement of three years' experience as Headmistress Grade-II.

8. Though the petitioner had discharged duties as a Principal, which involved not only administrative functions but also teaching and supervisory responsibilities, the fact remains that she did not complete three years of service as Headmistress Grade-II as on the date of her appointment as Headmistress



Grade-I. To that extent, the impugned order passed by the first respondent does not warrant interference.

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9. However, it is pertinent to note that the petitioner was appointed as Headmistress Grade-I on 17.06.2009 and, upon completion of three years on 16.06.2012, she effectively acquired the requisite three years of experience. Further, pursuant to the interim order of status quo passed by this Court on 21.08.2019, the petitioner was permitted to continue in service as Headmistress Grade-I and subsequently retired from service upon attaining the age of superannuation on 30.04.2019.

10. Therefore, this Court is of the view that the petitioner is entitled to be treated as Headmistress Grade-I with effect from 17.06.2012 till the date of her retirement, and for the period between 17.06.2009 and 16.06.2012, she shall be treated as Headmistress Grade-II. The petitioner had received a salary attached to the post of Headmistress Grade-I for the period from 17.06.2009 to 16.06.2012. Since the petitioner had discharged the duties of the post during the said period, the respondents are not entitled to recover any alleged excess salary paid to her.



11. In the light of the above discussion and in view of the interim order of status quo passed by this Court, the impugned order passed by the first respondent requires modification. Accordingly, the writ petition is allowed in part, and the impugned order dated 10.06.2013 is modified as follows:

“The services rendered by the petitioner in the sixth respondent school for the period from 17.06.2009 to 16.06.2012 shall be treated as service rendered in the post of Headmistress Grade-II, and from 17.06.2012 till the date of her retirement, i.e., 30.04.2019, the petitioner shall be deemed to have retired from service as Headmistress Grade-I.”

12. Accordingly, the sixth respondent school management is directed to forward the necessary proposals to the official respondents for approval of the petitioner's appointment to the posts of Headmistress Grade-II and Headmistress Grade-I, as modified above, and for computation of pension and pensionary benefits under the pension scheme to which the petitioner is admissible, within a period of two months from the date of receipt of a copy of this order.



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13. Upon receipt of the proposals, the official respondents (respondents 1 to 4) are directed to consider the same and pass appropriate orders approving the petitioner's appointments and settle her pension and pensionary benefits within a further period of three months thereafter.

20-01-2026

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

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To

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Education, Government of Puducherry,
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Puducherry-605 005.
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HEMANT CHANDANGOUDAR, J.

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