



W.P.No.32762 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.32762 of 2017
and WMP.No.36102 of 2017

S.Copperundevy

...Petitioner

Vs.

1.The Union of India Represented by the
Chief Secretary to Govt
Govt. of Puducherry
Chief Secretariat, Goubert Avenue
Puducherry 605 001.

2.The Secretary to Govt. (Education)
Govt. of Puducherry
Chief Secretariat, Goubert Avenue
Puducherry 605 001.

3.The Director of School Education
Govt of Puducherry
Directorate of School Education
Puducherry 605 005.

4.The Principal
Immaculate Heart of Mary High School
Govt. of Puducherry Aid School
Nelithope
Pondicherry 605 010.



W.P.No.32762 of 2017

5.The Principal
Immaculate Heart of Mary High School
Govt. of Puducherry Aid School
Reddiarpalayam
Pondicherry 605 010.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent vide letter No.20126/DSE/GIAS/U.III/2016-17 dated 14.12.2016 and quash the same and to direct the third respondent to reinstate the petitioner.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.R.Syedmustafa for R1 to R3
Special Government Pleader
Dr.Fr.A.Xavier Arulraj
Senior Advocate
for M/s.A.Arul Mary for R4 & R5

ORDER

The challenge in this Writ Petition is to the order dated 14.12.2016 passed by the third respondent. By the said order, the petitioner's representation seeking approval of her appointment to the post of Music Teacher in Immaculate Heart of Mary's Government Aided High School, Reddiarpalayam, came to be rejected on the ground that the appointment had been made without obtaining prior approval/consent from the Directorate.



W.P.No.32762 of 2017

2. The petitioner states that she was initially appointed on a consolidated pay basis with effect from 24.06.1999 in Immaculate Heart of Mary's Government Aided High School, Nellithope, Puducherry, in anticipation of the result of her Bachelor of Fine Arts (Music) Degree examination. She subsequently passed the said degree examination, as evidenced by the Certificate dated 12.07.2000. Thereafter, she was transferred by the Management to Immaculate Heart of Mary's Government Aided High School, Reddiarpalayam, with effect from 28.07.2005, which is also functioning under the same Management. It is her further case that she was not permitted to continue in service by the Management from June 2015 onwards, without assigning any reason. The petitioner, therefore, submitted a representation to the third respondent seeking approval of her appointment in a sanctioned vacant post with attendant salary benefits. However, through the impugned order, the said representation came to be rejected.

3. The learned counsel appearing for the parties, in unison, submitted that the issue involved in the present Writ Petition is squarely covered by the judgment of the Division Bench of this Court in W.A. No.2842 of 2018 and batch. In the said judgment dated 30.04.2024, the Division Bench issued the following directions:



W.P.No.32762 of 2017

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(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 exercise, 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 qualification prescribed under the Schedule to Regulations, 2001.

(d) As regard 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.”

4. Therefore, this Writ Petition is disposed of in terms of the directions issued by the Division Bench of this Court in W.A.No. 2842 of 2018 and batch, etc. The respondents 4 and 5 are directed to resubmit a fresh proposal seeking approval of the petitioner’s appointment to the sanctioned vacant post of Music Teacher within six weeks from the date of receipt of the copy of this order. If such a proposal is submitted, the official respondents shall consider the same on its own merits and in accordance with law, within a period of three months from

4/7



W.P.No.32762 of 2017

the date of submission of the proposal, in the light of the order passed by the

Division Bench of this Court referred to supra. Consequently, the connected

Miscellaneous Petition is closed. There shall be no order as to costs.

03.02.2026

Index : Yes/No

Speaking order : Yes/No

dna



W.P.No.32762 of 2017

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W.P.No.32762 of 2017

HEMANT CHANDANGOUDAR.J.,

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W.P.No.32762 of 2017

and

WMP.No.36102 of 2017

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