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REV.APLW No. 9 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**REV.APLW No. 9 of 2025 AND
WMP NO. 847 OF 2025**

1. Union Territory Of Puducherry,
Rep. by the Secretary to Govt., Education
Department, Secretariat, Puducherry.
2. The Director of School
Education, Perunthalaivar Kamaraj Centenary,
Education Complex, 100 Feet Road, Anna
Nagar, Nellithope P.O., Puducherry.
3. The Deputy Director (Admn),
O/o. Directorate of School Education,
Puducherry.

..Petitioners

Vs

1. The Central Administrative
Tribunal, Rep. by the Registrar, Additional City
Civil Court Building, High Court Campus,
Madras.
2. R.Srinivasan,
Lecturer (Hindi), Thanthai Periyar Govt. Hr.
Sec. School, Kovilpathu, Karaikal.

..Respondents

Prayer : Review Application to review the order dated 9.04.2013 in WP.No.
23187 of 2010.



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REV.APLW No. 9 of 2025

For Petitioners :

Mr.R.Syed Mustafa

Special Government Pleader (Puducherry)

For Respondents :

Mr.S.Srinivasan for R2,

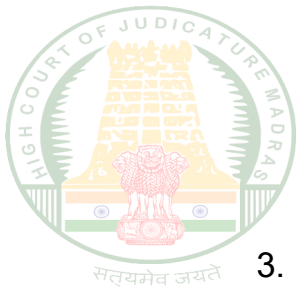
R1 - Tribunal (CAT)

Order

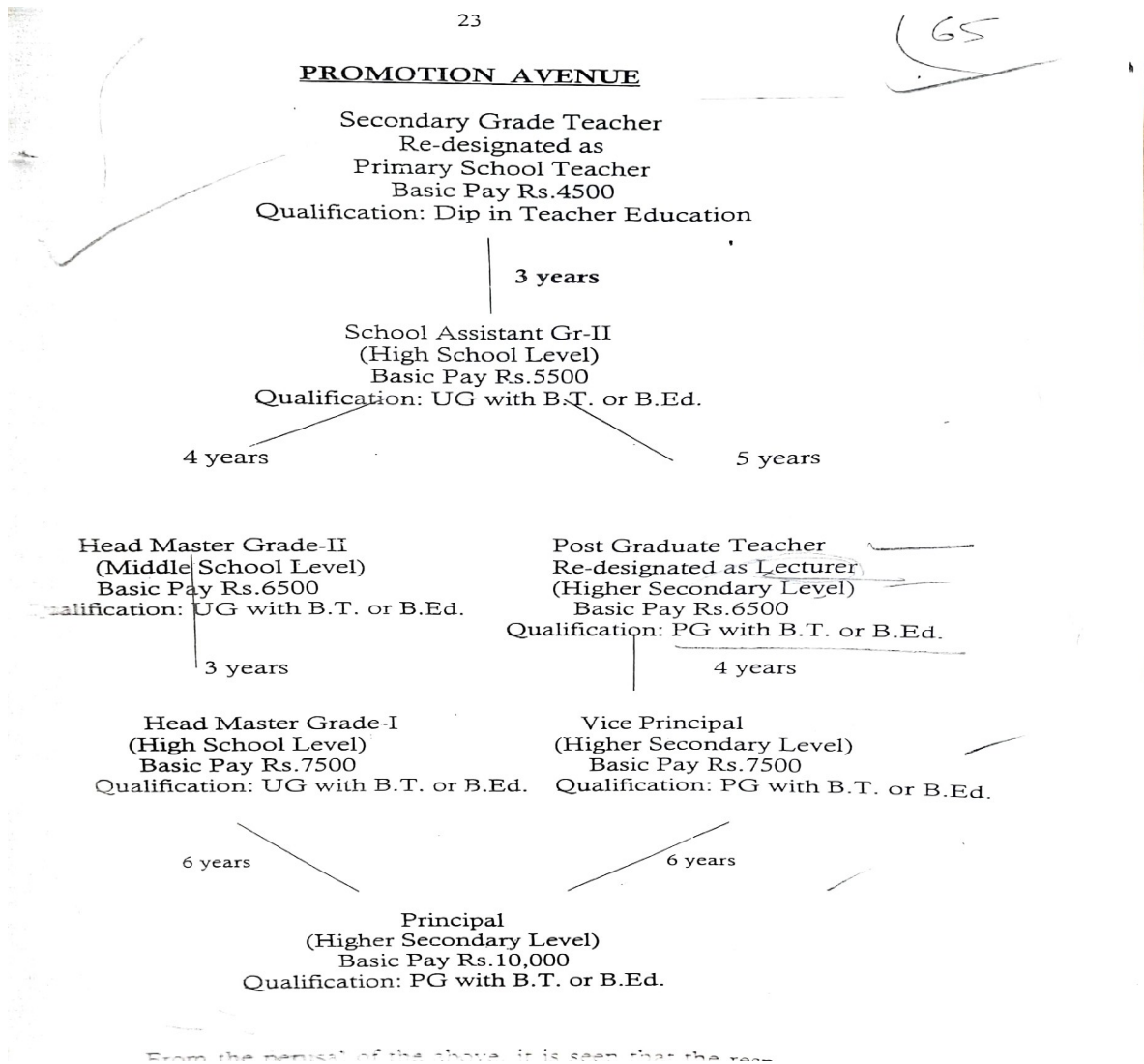
(Order of the Court was made by S.M.Subramaniam J.)

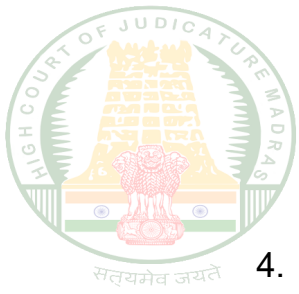
Union of India represented by the Secretary to the Government, Education Department, Puducherry has filed the present review petition seeking to review the order of this Court dated 09.04.2013 passed in W.P.No.23187 of 2010.

2. Regarding the entertainability of the review petition, learned Special Government Pleader appearing for the petitioners would draw the attention of this Court with reference to the orders of the Hon'ble Supreme Court dated 24.10.2017 in Civil Appeal No.17000 of 2017. In the said appeal, the Hon'ble Supreme Court has recorded that "an option is available in the letter of promotion and thus a post-graduate is also eligible for promotion to the post of Headmaster at his option. If it is factually so, it is open to the Union Territory of Puducherry to move the High Court by way of review. The High Court may consider this aspect, if such an application is made by the appellants." In view of the said order, the review petition was entertained by this Court.



3. Learned Special Government Pleader would mainly contend that the promotional avenues for secondary grade teachers re-designated as primary school teachers is to the post School Assistant Grade II and from the post of School Assistant Grade II, two channels are created. For better understanding, the promotional avenue chart furnished before this Court by the petitioners is extracted hereunder:





4. In the context of the above promotional avenues, the second respondent and others have chosen to serve as Lecturers (higher secondary level) and therefore they were eligible to secure promotion to the post of Vice Principal and thereafter to the post of Principal. Pertinently, the post of Lecturer and Vice Principal at higher secondary level are less in number and therefore the promotional chance for this channel will be slower than that of the promotional chance available to the Headmasters Grade II and Grade I through the other channel. Thus, the School Assistants Grade II who have opted to serve as Headmaster Grade II were promoted to the post of Principal earlier than that of the teachers who opted to serve as Lecturer at higher secondary level. This caused heart burn amongst the teachers who served as Lecturers.

5. The second respondent herein and others who served as Lecturers filed Original Application before the Central Administrative Tribunal (hereinafter referred to as 'CAT') seeking a prayer to promote them to the post of Headmaster Grade I in High School Education Department under the Government of Puducherry from the cadre of Lecturers taking into account their seniority maintained in the initial cadre of School Assistant Grade II by relaxing the existing recruitment rules to the cadre of Head Master Grade I. In other words, the respondent and others who served as Lecturer by exercising



their option, sought for the relief to promote them to the post of Headmaster

Grade I on the other line / channel by relaxing the relevant recruitment rules.

The Tribunal adjudicated the issues and granted relief, directing the review petitioners herein to promote the second respondent and others to the post of Headmaster Grade I in the High School Education Department from the cadre of Lecturers by considering their seniority in the initial cadre of School Assistant Grade II by relaxing the existing service rules. Such a direction was granted as one time measure.

6. Writ petitions came to be filed before this Court by the aggrieved Lecturers whose promotions were affected as well as by the Government of Puducherry. In the writ petition filed by Government of Puducherry, the High Court, while confirming the order of the 'CAT', reiterated that it should be a one time measure. The matter went to Supreme Court and the Supreme Court found certain factual aspects regarding the option exercised and granted liberty to the Government of Puducherry to file a review petition.

7. It is not in dispute that as per the Rules, two avenues of promotions are available from the post of School Assistant Grade II and the teachers were given the option to exercise anyone of the channel for their respective promotions. Admittedly, the second respondent in the present review petition



had opted to serve as Lecturer, accepted the promotion and served as Lecturer. During the course of his service, he found that the School Assistants Grade II who opted the other channel of promotion to the post of Headmaster Grade II were able to secure their promotion quickly. Hence the second respondent and others filed the Original Application seeking promotion to the post taking into consideration of their original seniority in the post of School Assistant Grade II.

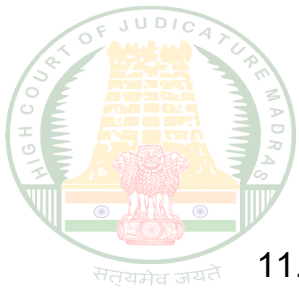
8. Once the option is exercised, an employee cannot turn around and seek a relief to grant promotion through the other channel in violation of the recruitment rules. Employees cannot approbate and reprobate in the matter of promotion to the higher posts. When they have consciously accepted the promotion to the post of Lecturer and were serving in the post and when quicker promotion is made available to the other channel in respect of other employees who have opted to the post of Headmaster Grade II, thereafter they cannot claim that they should be promoted by relaxing the recruitment rules.

9. The relief sought for by the second respondent and others in the Original Application before the 'CAT' *per se* shows that they have sought for promotion based on their original seniority in the common cadre of School



Assistant Grade II and by relaxing the recruitment rules. The power of relaxing recruitment rules may be exercised discretely and in order to mitigate the injustice if any caused to a particular employee or group of employees. Recruitment Rules cannot be relaxed even by the Government in a routine manner. Exercise of relaxing of Rules must be exercised cautiously and in a judicious manner. Such a relaxation would affect the opportunity of promotion to all other employees who are all longing to secure their promotions in accordance with the recruitment rules in force. Thus, relaxation of rules even by the Government is an exception. But, the High Court in exercise of its powers of judicial review cannot direct the authorities to relax the Rules for grant of promotion. Such an exercise under Article 226 of the Constitution would fall beyond the realm of the powers of judicial review.

10. In the present case, two avenues of promotion are made available to the teachers who were holding the post of School Assistant Grade II. Opportunity was granted to the teachers to exercise their option. Once they have exercised their option and have chosen one channel of promotion, they cannot turn around and claim the other channel of promotion and seek for relaxing the recruitment rules, which would deprive the right of promotion to the employees who have opted the other channel of promotion.



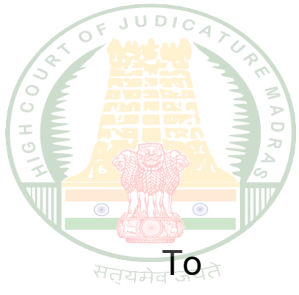
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11. It is brought to the notice of this Court that all the respondents in the Original Application including the second respondent herein have retired from service and are now receiving pension. In view of the fact that any such one time measure of relaxing the recruitment rules would affect the promotional prospects of the employees who were promoted through the other channel and that this vital fact was not placed before the Court at the time of adjudication of the writ petition and that apart there is no finding to that effect in the order passed by the writ court, due to the factual error that has crept in, this Review Petition is allowed. The order passed by the writ court dated 09.04.2013 in W.P.No.23187 of 2010 as well as the order dated 24.03.2010 in O.A.No.290 of 2007 are set aside and the writ petition in W.P.No.23187 of 2010 is ordered. The present Review Application No.9 of 2025 is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
11-06-2026

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

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To

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Rep. by the Secretary to Govt.,
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Education, Perunthalaivar Kamaraj
Centenary, Education Complex, 100 Feet Road, Anna Nagar, Nellithope
P.O., Puducherry.
3. The Deputy Director (Admn),
O/o. Directorate of School Education, Puducherry.
4. The Registrar
Central Administrative Tribunal
Chennai.



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**S.M.SUBRAMANIAM J.
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