

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00278/2020 in & OA/310/00547/2020

Dated Wednesday the 9th day of December Two Thousand Twenty

**CORAM : HON'BLE SHRI. S. N. TERDAL, Member (J)
HON'BLE SHRI. C. V. SANKAR, Member (A)**

(Through Video Conferencing)

1. P.Dhanalakshmi,
2. S.Abirami,
3. D.Divia,
4. M.Basira Beebi,
5. I.Kayathri,
6. D.Meena,
7. M.Anandajothi,
8. S.Pravina,
9. M.Abinaya,
- 10.D.Nithya,
- 11.M.Anitha.

....Applicants

By Advocate Ms. Y. Kavitha for M/s. Giridhar & Sai

Vs

1.Union of India rep by,
The Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue,
Beach Road, White Town,
Puducherry 605001.

2.The Under Secretary to Govt (School Education),
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary Educational Complex,
100 feet Road, Anna Nagar,
Puducherry 605005.

3.The Director of School Education,
Directorate of School Education,
Perunthalaivar Kamarahar Centenary Educational Complex,
100 feet Road, Anna Nagar,
Puducherry 605005.

4.The Deputy Director (ADMIN),
Directorate of School Education,
Perunthalaivar Kamarahar Centenary Educational Complex,
100 feet Road, Anna Nagar,
Puducherry 605005.

....Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER

(Pronounced by Hon'ble Shri. S. N. Terdal, Member(J))

Heard. MA 278/2020 filed by the applicants for filing a single OA is allowed.

2. The reliefs prayed for in this OA is as follows:

“a. To call for records pertaining to Order No. 29118/DSE/Estt-I/D3/2019 dated 04.11.2020 passed by the 2nd respondent and to set aside the same;

b. To direct the respondents to permit the applicants to participate in the selection process pursuant to the Notification dated 05.07.2019 for the post of Guest Balasevika and to appoint them to the said posts if selected with all consequential benefits;

c. To award costs, and pass such further and other orders as may be deemed and proper and thus render justice.”

3. Heard Ms. Y. Kavitha, counsel for the applicants and Mr. R. Syed Mustafa, counsel for the respondents appearing on advance notice.

4. Counsel for the applicants submits that the diploma certificate of the applicants are not taken into account by the respondents. The applicants have approached the Hon'ble High Court in WP 28628/2019 and the Hon'ble High Court directed the respondents to consider the representations. After considering the representations, the respondents have after thorough examination found that the diploma certificate of the applicants are not issued by institutions which are recognised by any University or Board. Hence the order dt. 04.11.2020 was passed by the respondents rejecting the candidature of the applicants. The order dt. 04.11.2020 is extracted below:-

“

DIRECTORATE OF SCHOOL EDUCATION
GOVERNMENT OF PUDUCHERRY

No. 29118/DSE/Estt-I/D3/2019

Puducherry dated 4-11-2020.

ORDER

Sub : DSE – Estt-I-Recruitment to the post of Guest Balasevika – Order dt. 3-10-2019 for WP No. 28628/2019 filed by Ms. P. Dhanalakshmi and 10 others in the Hon'ble High Court, Madras – Orders – Reg.

Ref : 1) Order dt.3-10-2019 for WP No. 28628/2019
2) Interim reply dt. 6-3-2020 to Thiru A.S.Baradi, Advocate, High Court, Chennai, and to the individuals.
3) Representations dt. 16-3-2020 from the individuals.

WHEREAS Tmt. P. Dhanalakshmi & 10 others submitted their representations dt. 13-9-2019 for consideration of Diploma in Early Childhood and Childcare Education certificate issued by Bharat Sevak Samaj as eligible for appearing in the Competitive Examination for the post of Guest Balasevika. Reply has been sent to Individuals vide Letter No. 29118/DSE/Estt-I/D4/2019 dt. 19-09-2019 with instruction to submit clarification/proof for the recognition of Early Childhood and Childcare Education certificate issued by Bharat Sevak Samaj, with any University/Board and to produce the same within 7 days. Instead of submitting a reply as per the requirement, they have approached the Hon'ble High Court, Madras on this matter and filed a Writ Petition No. 28628/2019 seeking a direction to the respondent, the Director of School Education, Puducherry :-

“to consider that the Petitioners who have completed the course BSS Diploma in Early Childhood and Childcare Education are also eligible for the post of Guest Balasevika/Guest Teachers in various teaching cadres on contract basis for Govt. Pre-Primary/Primary/Middle/High/Higher Secondary School in Puducherry/Karaikal/Mahe/Yanam region as mentioned in Notification No. 29118/DSE/Estt-II/D/2018 dt. 5-7-2019, and pass such further orders or other orders as this Hon'ble High Court may deem fit and proper in circumstances of the case and render justice”;

2) AND WHEREAS, the Hon'ble High Court of Madras, was pleased to dispose the Writ Petition No. 28628/2019 with the following directions:-

“Considering the facts and circumstances and the submissions made by

the learned counsel for the petitioners as well as learned Additional Govt. Pleader, the petitioners are directed to comply with the requirements as sought for vide Letter No. 29118/DSE/Estt-I/D4/2019 dt. 19-9-2019, with regard to the recognition on their certificates by any University/Board, forthwith, in any case, within a period of seven days from the date of receipt of this order and on such production, the respondents are directed to entertain the petitioner's certificate along with the applications and pass appropriate orders within a period of four weeks, thereafter”;

3) AND WHEREAS, the individuals have submitted representation on 5-11-2019 and 7-11-2019 with documents, which are not relevant to the requirements on authentication of Early Childhood and Childcare Education certificate issued by Bharat Sevak Samaj by any University/Board.

4) AND WHEREAS, as per Recruitment Rules,

Essential Educational & Professional Qualifications for guest balasevika :

1. A Pass in HSC (12th Class) or equivalent from a recognized Board or University and
2. Bala Sevika Training Certificate OR one year Certificate/Diploma in Early Childhood and Care Education (ECCE) recognized by any University or Board.

5) AND WHEREAS, certificates on Early Childhood and Childcare Education issued by various Institutions have been verified and field enquiries of the Institutions have been conducted. This inquiry revealed the institutes which are run under license from Bharat Sevak Samaj and they frame their own syllabus, evaluate and issue certificates. The Trainees are not given the exposure of 40 days internship programme, formal class room and there is no training from qualified resource persons;

6) AND WHEREAS, the Bharat Sevak Samaj is functioning under National Development agency (Voluntary Organisation) and not recognized by any University/Board.

7) AND WHEREAS, some of the Institutes who have issued certificates under Bharat Sevak Samaj have submitted their own explanation that the certificates issued by them are not eligible for Govt. Job and issued only for self employment;

8) AND WHEREAS, The Bharat Sevak Samaj has not been recognized by any Govt./University/Board of Education. Some of the Pre-Primary School Teachers who were engaged as per then Recruitment Rules to the post of Balasevikas were absorbed to the post in view of their eligibility at the time of their engagement as per then Recruitment Rules to the Balasevika post;

8) NOW THEREFORE, the certificates for Early Childhood and Childcare Education issued by Bharat Sevak Samaj/unrecognised institutions are not

valid as per the Recruitment Rules for the post of Guest Balasevika, as these certificates are not issued by institution recognised by any University or Board.

//BY ORDER//

-sd-

(F. P. VERBINA JAYARAJ)

UNDER SECRETARY TO GOVT. (SCH. EDN.)

To

The individuals.

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5. We do not find any unreasonableness or irregularity in the order dt.

04.11.2020. Hence, this OA is dismissed. No costs.

(C.V.Sankar)
Member(A)

(S.N.Terdal)
Member(J)

09.12.2020

SKSI