



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal(MD) No.1061 of 2015

in

WP(MD)No. 14652 of 2011 and MP(MD)No.2 of 2015

- 1.The State of Tamil Nadu
Rep by its Secretary,
Department of School Education,
Fort St., George,
Chennai 600 009.
 - 2.The Director of Elementary Education,
College Road, Chennai 600 009.
 - 3.The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
 - 4.The Assistant Elementary Educational Officer,
Kallal, Sivagangai District. ... Appellants
- Vs.
- The Secretary,
Tagore Middle School,
Aranmanai Siruvayal,
via, Kallal 630 305,
Sivagangai District. ... Respondent

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 11.11.2014 made in W.P(MD)No.14652 of 2011.

Prayer in WP(MD)No.14652 of 2011:

Writ petition is filed under Article 226 of the Constitution of India praying this court to issue a writ of certiorarified mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent Director of Elementary Education in O.Mu.No.30955/GA/2008 dated 09.01.2009 and the impugned proceedings issued by the 3rd respondent District Elementary Education Officer in Na.Ka.No.4049/A1/2010 dated 09.03.2011 Quash the same and further direct the 2nd respondent herein to



pass appropriate order permitting the conversion of the full time post of Instructor in Agriculture into that of full time instructor in sewing.

For Appellants : Mr.V.R.Shanmuganathan,
Special Government Pleader.

WEB COPY For Respondent : Mr.Isaac Mohanlal

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J)

This writ appeal is directed against the order passed by the learned single Judge in W.P(MD)No.14652 of 2011, dated 11.11.2014.

2.Two issues raised in this appeal. One is that the denial of conversion of the subject agriculture to sewing has been erroneously set aside by the learned single Judge and for that the Department relied upon G.O.Ms.No.39, dated 21.03.2003 but that Government Order does not put an embargo on conversion and therefore, the first plea has been rightly rejected by the learned single Judge and held in favour of the writ petitioners and hence, the appeal against the same deserves to be rejected.

3.The second issue is that staff fixation for the subjects of sewing was incorrectly assessed before conversion and for that, the plea of the Department is that no salary or other benefits can flow for such erroneous order.

4.Mr.Isaac Mohanlal, learned counsel for the respondent submitted that no appointment has been made to the said post and it is only after the conversion consequential benefits will flow.

5.Recording the same, we dispose of the appeal directing the authorities to pass appropriate orders in terms of the order passed by the learned single Judge for conversion and consequential benefits to the institution concerned within a period of eight weeks from the date of receipt of a copy of this judgment. We find no merit in the appeal. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu
Department of School Education,
Fort St., George,
Chennai 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Director of Elementary Education,
College Road, Chennai 600 009.



3.The District Elementary Educational Officer,
Sivagangai, Sivagangai District.

4.The Assistant Elementary Educational Officer,
Kallal, Sivagangai District.

+1cc to Mr.Isaac Mohanlal, Advocate SR.No.62827

+1cc to The Special Government Pleader, Madurai. SR.No.63144

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sms

NS/KBM/18.11.2015 : 3P/7C