

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.05.2017
CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAM

W.P.No.22810 of 2015
And
W.M.P.No.1 of 2015

K.S.Saravanan

... Petitioner

Vs.

- 1 The Government of Tamilnadu
Represented by its Secretary,
Education, Science and Technology,
(H.S.II) Department,
Madras-9.
 2. The Director of School Education,
College Road,
Madras-6.
 3. The Joint Director of School Education,
Vocational Education, College Road,
Madras-6.
 4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to send the petitioner for short term training course of the concerned District Institute of Educational Training (DIET), within a stipulated time may be fixed by this Court and regularize the services of the petitioner as full time vocational instructor in terms of G.O.Ms.No.834, Education Department dated 23.09.1994 and G.O.(Ms).No.358, School Education Department, dated 18.08.1997 with effect from initial date of appointment besides pay all the arrears within a short date that may be fixed by this Court with all consequential service benefits such as due placement in the seniority on the basis of length of service.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

The petitioner was appointed as Vocational Instructor in Government Boys Higher Secondary School, Krishnagiri. The Government has issued an order to enable the Vocational Instructors who are found to be unqualified, to undergo training in the District Institute of Educational Training (DIET) and qualify themselves for appointment in regular time scale of pay. Since many of the Vocational Instructors were not sent for training as per the said Government Order, similarly placed persons who possess prescribed qualifications filed the writ petitions in W.P.Nos.6821 and 6822 of 2011 and this Court by order dated 31.03.2011 allowed the writ petitions with a direction to the third respondent therein to send the petitioners for short term training course of the concerned District Institute of Educational Training (DIET) within a period of three months from the date of receipt of a copy of this order and regularize the services of the petitioners at full time vocational instructors in terms of G.O.Ms.No.834, Education Department dated 23.09.1994, if there is no other legal impediment. The said order was challenged by the Government in W.A.Nos.158 & 159 of 2012 and the same was dismissed by the Hon'ble Division Bench by order dated 07.02.2012. S.L.P.No.18084 of 2011 was filed before the Hon'ble Supreme Court against the judgment in W.A.Nos.158 & 159 of 2012 and the same was also dismissed. Subsequently, in W.P.No.18183 of 2013 (K.M.Gunasekaran and 24 others v. The Government of Tamil Nadu and 18 others), this Court has issued a similar direction on 04.07.2013.

2.In view of the above said decisions, I see no impediment for the petitioner being sent for short term training course to the concerned DIET in terms of G.O.Ms.834, Education Department, dated 23.09.1994 and G.O.Ms.No.358, School Education Department dated 18.08.1997 as referred to above.

3.Accordingly, the writ petition is allowed and there will be a direction to the fourth respondent to send the petitioner for short term training course to the concerned DIET as per the G.O.Ms.No.834, Education Department dated 23.09.1994. The said

exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Government of Tamilnadu
Represented by its Secretary,
Education, Science and Technology,
(H.S.II) Department,
Madras-9.
2. The Director of School Education,
College Road,
Madras-6.
3. The Joint Director of School Education,
Vocational Education, College Road,
Madras-6.
4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.

+2cc to Mr.M.Saravana Kumar, Advocate, S.R.No.37654

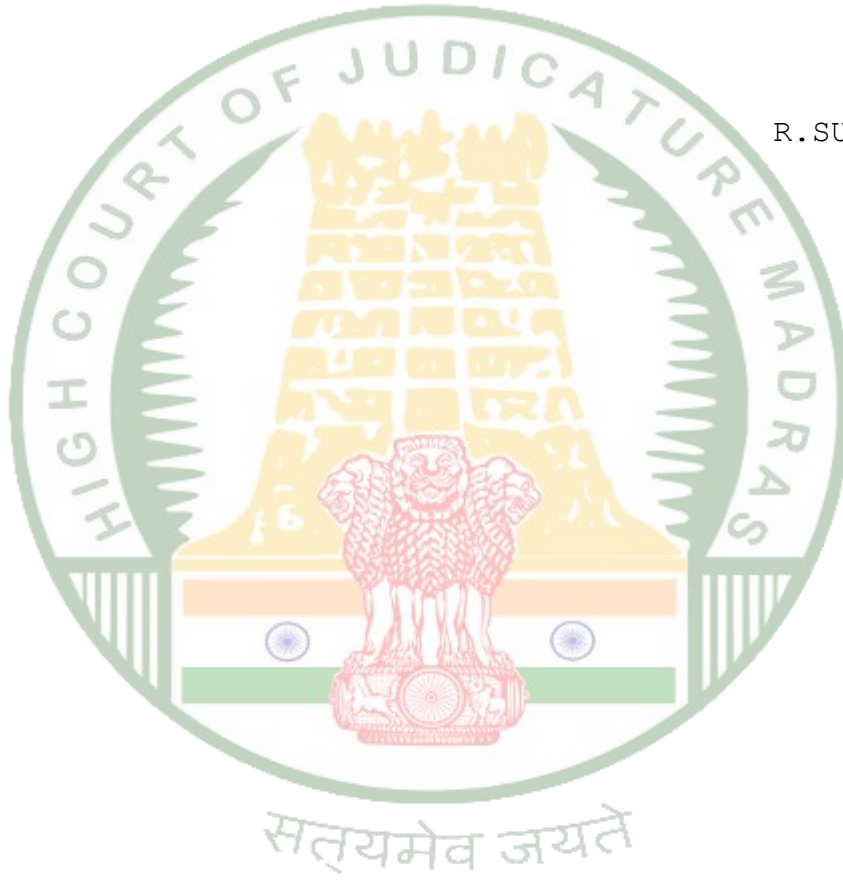
+1cc to the Government Pleader, S.R.No.37785

W.P.No.22810 of 2015

And

W.M.P.No.1 of 2015

VGII (CO)
RS (13/06/2017)



R.SUBRAMANIAM, J

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