

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :20.11.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.18155 of 2010
and
M.P.No.1 of 2010

M.Venkatesan

..Petitioner

vs

1.Director of School Education,
Chennai - 6.

2.Joint Director of School Education,
(Vocational),
Chennai - 6.

3.Chief Educational Officer,
Vellore.

4.Correspondent,
Vitva Ratna Villa Girls' Higher
Secondary School,
Vellore Diocese (C.S.I)
Ranipet - 632 401.

...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to regularise the service of the
petitioner as Computer Instructor, in the 4th respondent school,
with effect from the date of initial appointment viz. 5.08.96,
with all consequential benefits.

For Petitioner : Mr.C.Vediappan
for M/s.C.S.Associates
For Respondents : Mr.A.Rajaperumal
AGP, for R1 to R3
No Appearance for R4

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O R D E R

The relief sought for in this writ petition is for a
direction to the respondents to regularise the service of the
petitioner as Computer Instructor, in the 4th respondent school,
with effect from the date of initial appointment viz. 5.08.96.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner acquired B.Sc.(Physics) in March 1993, PGDCS in November 2000 and M.C.A., in October 2005. Accordingly, he is fully qualified for appointment to the post of Computer Instructor. The petitioner was appointed in the 4th respondent School on 05.08.1996 on consolidated pay of Rs.1200/- Per Month and in the year 2010, the writ petitioner was getting Rs.5,000/- Per Month and was taking classes for Plus 1 and Plus 2 students for Computer Subject.

3.The petitioner states that the 3rd respondent/Chief Educational Officer through his letter dated 18.05.2005, directed the 4th respondent to submit the services details in respect of the Vocational Instructors, working in the school. In response, the 4th respondent submitted the details on 12.08.2005. However, the petitioner makes a complaint that no action has been taken to regularize the services of the petitioner pursuant to the service particulars provided by the 4th respondent.

4.The learned Additional Government Pleader appearing on behalf of the respondents submitted the written instructions given by the Chief Educational Officer, Vellore in proceedings dated 12th January 2011, wherein it is categorically stated that no post of Computer Instructor has been sanctioned to the 4th respondent School. When no sanctioned post is available in the 4th respondent school, the question of considering the case of the writ petitioner will not arise at all. The learned counsel for the petitioner states that the proposals were already submitted in this regard by the 1st respondent also. However, the learned counsel for the petitioner is unable to establish that any such post was sanctioned in the 4th respondent school. Thus, in the absence of any sanctioned post, the question of considering the case of the writ petitioner cannot be undertaken. However, if there is any sanctioned post in this regard, it is left open to the respondents to consider the case of the writ petitioner in accordance with the rules subject to the condition that the writ petitioner fulfills all the educational qualifications and other criteria fixed under the rules. Thus, the relief as such sought for in this writ petition cannot be granted in view of the fact that no sanctioned post, as of now, is available in the 4th respondent school.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. Director of School Education,
Chennai - 6.

2. Joint Director of School Education,
(Vocational),
Chennai - 6.

3. Chief Educational Officer,
Vellore.

+1 cc to M/s.C.S.Associates sr 82357

+1 cc to Govt Pleader sr 82878, 82910 and 83633

W.P.No.18155 of 2010

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