



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.1394 of 2014

R.Ayyar

... Appellant/Petitioner

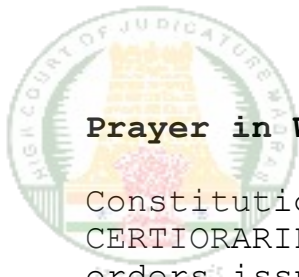
Vs.

1. The Government of Tamil Nadu,
Rep.by its Secretary,
Backward Classes & Most Backward
Classes and Minorities Welfare
(BC III) Department,
Fort.St. George, Chennai.
2. The Secretary,
Department of School Education,
Fort St. George, Chennai.
3. The Director,
Department of Backward Classes &
Most Backward Classes,
Chepauk, Chennai.
4. The Joint Director,
Kallar Reclamation, Madurai.
5. The Headmaster,
Government Kallar Higher Secondary
School,
Pappapatti,
Madurai District.

... Respondents/Respondents

(Cause Title amended as per the
order of this Court dated 16.12.2015
made in MP(MD)No.1/2015 in
WA(MD)No.1394 of 2014)

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent,
pleaded to set aside the order dated 20.08.2014 in WP(MD)No.3563 of
2010 on the file of this Court.



Prayer in WP(MD)No. 3563/ 2010 :

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 related to the orders issued by the 1st Respondent in G.O.(D).No.7 dated 15-02-2010 and G.O.Ms.No.17, dated 09-04-2009 and quash the same and consequently direct the Respondents 1 to 4 to regularize the petitioner service either as a part time Vocational Instructor or in any other equivalent posts in any other Schools under the 1st or 2nd Respondent.

For Appellant : Mr.R.Subramanian

For Respondents : Mr.T.S.Md.Mohideen, AGP

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The unsuccessful writ petitioner is on appeal challenging the order dated 20.08.2014 made in WP(MD)No.3563 of 2010.

2.According to the writ petitioner, he was appointed as a part time Vocational Instructor (Agriculture) in Government Kallar Higher Secondary School, Pappapatti, Madurai District on 06.10.1995. He was working on a fixed salary of Rs.4,00/- per month. When orders were issued for creation of post of Vocational Instructor in Higher Secondary Schools, the appellant sought to be appointed in the said post. The appellant had been engaged in series of litigation with the department in this regard. Finally, by order dated 15.02.2010, the Government rejected the request of the writ petitioner. Aggrieved by the same, the appellant filed WP (MD)No.3563 of 2010. The said writ petition was dismissed by order dated 20.08.2014, which is challenged in this intra Court appeal.

3.The learned counsel appearing for the appellant reiterated the contentions raised in the grounds of appeal.

4.The learned Additional Government Pleader appearing for the respondents pointed out that the appellant cannot claim the benefit of G.O.Ms.No.834, dated 29.09.1994. This was because the appellant was never employed by the Education Department. In fact, he was engaged on a part time basis by the Parent Teachers Association on a consolidated pay of Rs.4,00/- per month. It is true that the Government created the post of Vocational Instructor. But filling up of the said post could be only by following a certain procedure. If the Education Department had engaged the writ petitioner, then the question of considering his plea for absorption would arise. When the appellant was engaged only by Parent Teachers Association, it is not open to the appellant to lodge any claim against the Government. The request of the appellant for absorption on a



regular basis is without any merit. It was rightly rejected. The learned Single Judge dismissed the writ petition by assigning correct reasons. There is no reason to take a different view. This writ appeal is accordingly dismissed. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Backward Classes & Most Backward
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(BC III) Department,
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 5. The Headmaster,
Government Kallar Higher Secondary School,
Pappapatti, Madurai District.
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72617
+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 72102

SKM/ARUL

TE/MR-KKR/SAR-IV : 09/10/2017 : 3P/8C

W.A (MD) No.1394 of 2014
10.08.2017