

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.A.No.2170 of 2013
& M.P.No.1 of 2013

- 1.The Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Tirunelveli District.
- 4.The District Educational Officer,
Tirunelveli. Appellants

Vs.

- 1.Gracelin Ebenezer
- 2.The Correspondent,
C.C.M. Higher Secondary School,
Idayangudim Tirunelveli District.
- 3.Betsy Vinolia
(Respondents 2 and 3 - given up) ... Respondents

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 15.02.2013 passed in W.P.No.13242 of 2005.

W.P.No. 13242 of 2005 Prayer: Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent in Mu.Mu.5478/W26/01 dated 23.9.2004 quash the same and consequently direct the respondents 1 to 5 to regularise the service of the petitioner.

For Appellants : Mr.P.Raja,
Government Advocate
For respondents : Mr.R.Saravanakumar for R1
R2 & R3- Given up

JUDGMENT

(Judgment of the Court was made by M.M.SUNDRESH,J.)

There are two approved vocational Instructors working in the second respondent-school. The first respondent/writ petitioner was appointed by the Management on a recommendation made by the Parents Teachers Association. She was teaching the subjects Commerce and Accountancy in general stream for XI standard students and she continues even now. The request for approval of the first respondent post was rejected. In the meanwhile, the third respondent herein, who was appointed to the bifurcated course as double part-time Instructor, was rejected on the ground that she did not pass Tamil Typewriting Higher Grade and Shorthand TTC. It appears that she is no longer working in the second respondent school. She has also been given up in this appeal. The learned single Judge, in fact, allowed the writ petition in favour of the private respondents. Challenging the same, the present writ appeal has been filed.

2. The contention of the learned Government Advocate is that the private respondent was not appointed in a sanctioned post.

3. We are not inclined to go into the said issue as in the available posts, the third respondent herein viz., Betsy Vinolia was found to be not qualified and consequently, she is not working. Therefore, we direct appellants 2 to 4 to consider the case of the private respondent/writ petitioner for the appointment as double part time instructor subject to the condition that she has got the qualification for doing so. Needless to state that one such appointment has already been approved in the case of Betsy Vinolia, the third respondent herein, who is not working at present, which has resulted in the vacancy of the post. Needful in the case of first respondent/writ petitioner shall be done within a period of eight weeks from the date of receipt of a copy of this order.

4. The writ appeal stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

raa

To

1.The Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

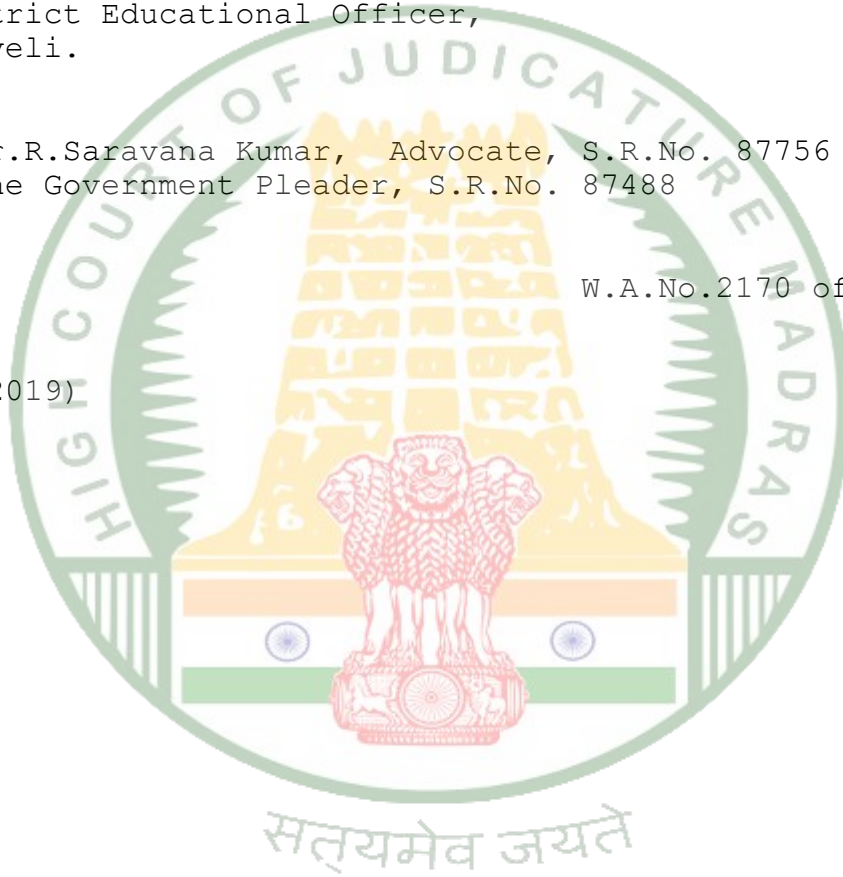
3.The Chief Educational Officer,
Tirunelveli District.

4.The District Educational Officer,
Tirunelveli.

+1cc to Mr.R.Saravana Kumar, Advocate, S.R.No. 87756
+1cc to the Government Pleader, S.R.No. 87488

W.A.No.2170 of 2013

RK(CO)
GN(06/02/2019)



WEB COPY