

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.18 of 2017

A.Idayaselvam

.. Appellant

Versus

1. The Government of Tamil Nadu
rep. by Secretary,
Education Department,
St. George, Chennai 600 009.

2. The Director of School Education,
DPI Complex, Nungambakkam, Chennai.

.. Respondents

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 3.11.2016 passed in W.P.No.34718 of 2016 on the file of this court.

W.P.No.34718 of 2016:-

Writ Petition filed under Article 226 of the constitution of India, praying for issuance of a writ of certiorarified mandmaus, to call for the records on the file of the 1st respondent in connection with the proceedings in G.O.(I.T) No.348 school education (S.E.2(2) Department, dated 25.09.2015 and to quash the same and consequently to direct the respondents to grant the opportunity of getting transfer to all the vocational instructors without any discrimination based upon the mode of appointment and the groups of subject which the vocational instructors handle in High secondary education, by passing a fresh order.

For appellant : Ms.T.Aananthi

For respondents : Mr.C.Munusamy,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

The intra-court appeal is filed by the writ petitioner challenging the order passed by the learned Single Judge in dismissing the writ petition which sought for a relief of opportunity of getting transfer to all the vocational instructors without any discrimination.

2. The case of the appellant/writ petitioner is that he is an Engineering Vocational Instructor appointed by the Headmaster of the Government Higher Secondary School Mettur Dam, Salem District on 5.11.1986 and his appointment was approved by the Chief Educational Officer and his services was regularised with effect from 16.10.1992 by the Joint Director of School Education and he is continuing in the said post without any promotional chance and opportunity for transfer, whileso, the impugned G.O. viz., G.O.(IT) No.348 School Education (S.E.2(2) Department, dated 29.9.2015 provides some privilege to the Instructors who had been appointed directly or through Teachers Recruitment Board neglecting the petitioner and similarly placed persons and therefore, challenging the said G.O. and seeking indiscriminate treatment in the matter of transfers, the appellant had come up with the writ petition.

3. The stand taken by the appellant is that irrespective of the mode of appointment either director or through TRB, the nature of work of all the Instructors is one and the same and therefore, there should not be any discrimination among them.

4. Having heard the learned counsel appearing for the appellant and Mr.C.Munusamy, learned Special Government Pleader, who takes notice on behalf of the respondents and perused the order passed in the writ petition, we find that the learned Single Judge, on elaborate discussion with regard to the mode of selection of the petitioner and similarly placed persons and that of the candidates benefited under the impugned G.O., has come to a conclusion that there are radical difference from each other and therefore, there is no question of discrimination among them.

5. Moreover, it is brought to our notice by the learned Special Government Pleader that the posts of the appellant and other similarly placed persons are not permanent, but, they were created only to regularise the services of the long served

persons like the appellant and after their retirement, the posts would be reverted back to the Director of School Education by surrendering the same. In such view of the matter, the appellant cannot maintain his claim. Accordingly, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

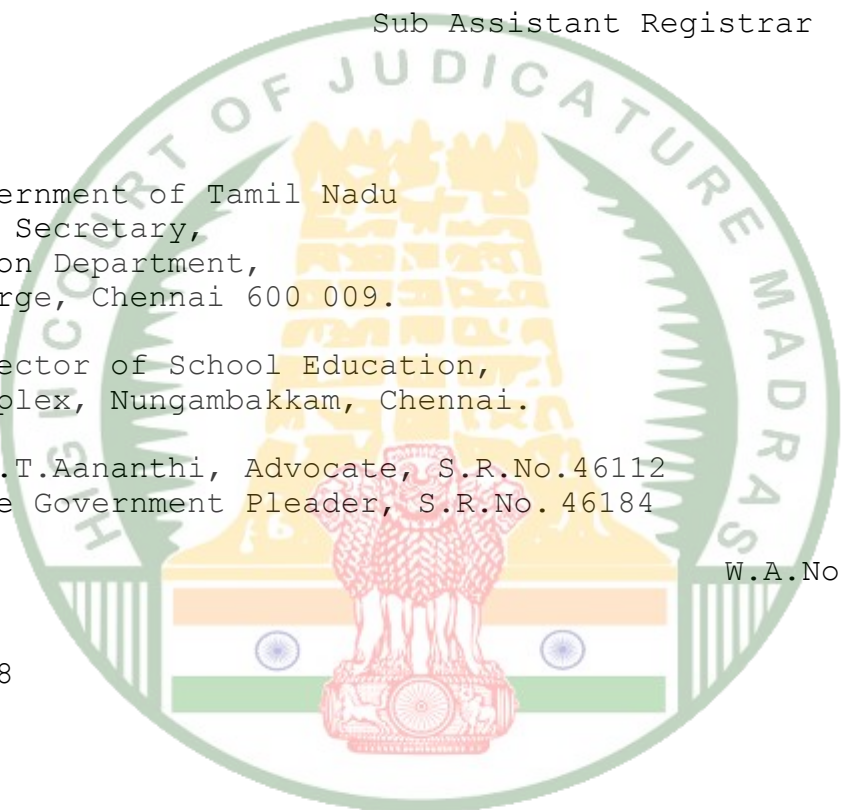
To:

1. The Government of Tamil Nadu
rep. by Secretary,
Education Department,
St. George, Chennai 600 009.
2. The Director of School Education,
DPI Complex, Nungambakkam, Chennai.

+1cc to Ms.T.Aananthi, Advocate, S.R.No.46112
+1cc to the Government Pleader, S.R.No.46184

W.A.No.18 of 2017

VBA (Co)
CS/31/08/18



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