



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

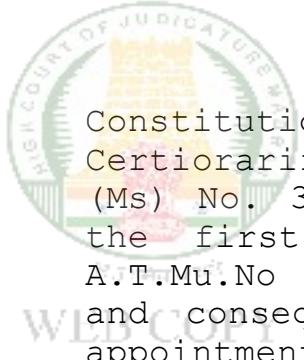
W.A(MD)No.700 of 2018
and
C.M.P(MD)No.3977 of 2018

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.
2. The Director of Elementary Educational Officer,
(Private Aided Schools),
College Road,
Chennai.
3. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.
4. The Assistant Elementary Educational Officer,
Keelapavoor,
Office at Pavoor Chatram - 627 808,
Tirunelveli District. ... Appellants/Respondents

Vs.

1. R.Pon Sheela ... 1st Respondent/Writ Petitioner
2. The Secretary,
Hindu Middle School,
Siva Nadanoor Post,
Tenkasi Taluk - 627 808,
Tirunelveli District. ... 2nd Respondent/5th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 24.11.2016 made in W.P(MD)No.1896 of 2013, on the file of this Court.



Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to G.O. (Ms) No. 39 School Education (D1) Department Dated 21.03.2003 of the first respondent herein and the consequential order in A.T.Mu.No 560/A1/12 dated 15.06.2012 of the 4th respondent herein and consequently direct the respondents herein to approve the appointment of petitioner as Tailoring Teacher in the 5th respondent school from the date of appointment i.e. 3.2.2012 with all consequential benefits.

For Appellants : Mr.A.K.Baskara Pandian,
Special Government Pleader.

For R - 1 : Mr.T.Pon Ramkumar

JUDGMENT

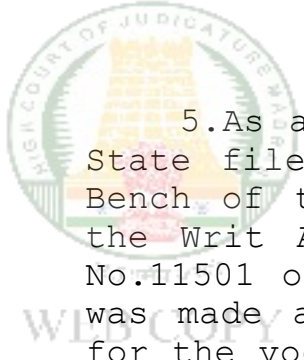
(Judgment of the Court was delivered by
M. DURAISWAMY, J.)

Challenging the order passed in W.P(MD)No.1896 of 2013, the respondents 1 to 4 in the Writ Petition have filed the above Writ Appeal.

2.The first respondent/writ petitioner filed the Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to G.O(Ms)No.39, School Education (D1) Department, dated 21.03.2003 of the first respondent and consequential order, dated 15.06.2012 of the fourth respondent and consequently direct the respondents to approve the appointment of the petitioner as Tailoring Teacher in the fifth respondent School from the date of appointment i.e., 03.02.2012 with all consequential benefits.

3.The learned Single Judge, taking into consideration the case of both sides, allowed the Writ Petition by setting aside the impugned order passed by the fourth respondent, dated 15.06.2012 and further directed the respondents 2 and 3 to grant sanction for the approval and conversion of the post of Vocational Instructor in Agriculture subject as sewing teacher and to grant approval to the appointment of one R.Pon Sheela as tailoring teacher in the fifth respondent School with effect from 03.02.2012 with all consequential monetary benefits.

4.While allowing the Writ Petition, the learned Single Judge followed the order passed in W.P(MD)No.11501 of 2008 and W.P(MD) No.1764 of 2010, dated 11.11.2014 and also a batch of Writ Petition in W.P(MD)No.14537 of 2010, dated 19.11.2014, wherein this Court quashed the impugned order therein and the respondents were directed to approve conversion of the post of Vocational Instructor in Agriculture subject as sewing teacher and to grant approval to the appointment as sewing teacher with effect from the date of appointment.



5.As against the order passed in W.P(MD)No.10507 of 2015, the State filed an appeal in W.A(MD)No.421 of 2017 and the Division Bench of this Court by its Judgment, dated 19.04.2017 dismissed the Writ Appeal and also approved the decision made in W.P(MD) No.11501 of 2008, dated 20.09.2010, wherein a similar appointment was made and the management contended that there were no takers for the vocational subject of agriculture and therefore, they have appointed the pre-vocational Instructor (sewing). Further, this Court, considering the factual aspect as well as well the Government Order issued in G.O.Ms.No.39, School Education Department, dated 21.03.2003 and by interpreting the same, allowed the Writ Petition and directed the approval of the appointment.

6.Similarly, in the case of the petitioner in W.P(MD)No.10507 of 2015 also, the State has approved the appointment of the individuals and were paid salary.

7.The ratio laid down by the Division Bench of this Court in W.P(MD)No.421 of 2013 applies to the facts and circumstances of the present case.

8.Since the State has accepted the case of Tmt.J.Vasanthi and also P.Bella Fernando, who is the petitioner in W.P(MD)No.10507 of 2015, the first respondent/writ petitioner, who is also similarly placed, cannot be discriminated and the benefits given to the other persons should also be given to the first respondent/writ petitioner.

9.In view of the same, following the Judgment made in W.A(MD) No.421 of 2017, we do not find any merits in the Writ Appeal and the same is liable to be dismissed. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected CMP(MD).No.3977 of 2018 is also dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 9.

<https://hcservices.court.gov.in/hcservices/> of Elementary Educational Officer,
(Private Aided Schools),
College Road, Chennai.



3. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

4. The Assistant Elementary Educational Officer,
Keelapavoor,
Office at Pavoor Chatram - 627 808,
Tirunelveli District.

+ 1 cc TO Mr.T.Pon Ramkumar , Advocate in SR No. 69321
+ 1 cc TO The Special Government Pleader in SR No. 69495

ps

AE/SKN RSK/SAR1/02.07.2018/4P/7C

W.A(MD) No.700 of 2018
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