

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 858 of 2013

1. The Govt. of Tamil Nadu
Rep. By its Secretary,
Education Department,
Fort St. George,
Chennai - 9.
 2. The Director of School Education,
College Road, Chennai
 3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
 4. The District Educational Officer,
Thuckalay,
Kanyakumari District.
- ... Appellants

Vs.

1. R. Jebaraj
 2. The Correspondent,
LPMC Higher Secondary School,
Puthalam,
Kanyakumari District
- ... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 19.03.2012 in W.P. No. 17580 of 2004 on the file of this Court.

Prayer in WP.No.17580/2004 : Writ of Certiorarified mandamus calling for the records relating to the order of the first respondent issued in G.O.Ms.No.991, Education Department, dated 16/07/1990 and the consequential order issued by the third respondent issued in O.M.No.10718/A3/2003, dated 28/11/2003 quash the same in so far as the regarding prior permission from the second respondent to fill up the vacant post of vocational Instructor/Teachers is concerned and direct the respondents to approve the appointed of the petitioner as vocational instructor

in the fifth respondent school in Electrical Engineering Instructor post from 01/07/2002 with salary and other benefits.

For Appellants : Mr. P. Raja, Government Advocate

For Respondents : Ms. P. Mahalakshmi &
K. Satish Kumar for R1

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

The first respondent was appointed as a Vocational Instructor (part-time) on 01.07.2002. The approval was not considered on the premise that there was a ban imposed in G.O.Ms.No. 991, Education Department, dated 16.07.1990. The learned Single Judge by placing reliance upon the earlier order passed allowed the writ petition and hence the present appeal.

2. As rightly submitted by the learned counsel appearing for the first respondent even assuming G.O.Ms.No.991, Education Department dated 16.07.1990 is applicable, it stands modified by subsequent G.O.Ms.No. 1177, Educational (HS3) Department, dated 01.12.1992, which is extracted hereunder:-

"3. Government after careful consideration accept the proposal of the Director of School Education. Accordingly the ban effected in the Government letter first read above be lifted with effect from the date of issue of this order. The Government also direct the Chief Educational Officer to permitted to fill up all the sanctioned vacant of part-time vocational instructions in the Higher Secondary Schools subject to the following conditions:

- i. There should not be any extra financial commitment to Government in this regard.
- ii. The total number of sanctioned posts of part-time vocational instructors should not be exceeded.
- iii. The permission now granted does not cover conversion of single part time instructors, after 23.10.89 the date on which the ban was imposed.
- iv. The filling up of posts should not be in contravention of any other orders/instruction of Government in force now on the subject.

4. This order does not require- the concurrence

of the Finance Department."

3. In such view of the matter, we do not find any error in the order passed by learned Single Judge warranting interference. We may also note that the order passed by the learned Single Judge has already been given effect to, of course subject to the final order passed in the writ appeal.

Accordingly, this appeal stands dismissed. No costs. Consequently, connected M.P. No. 1 of 2013 is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

ssm

To

1. The Secretary,
The Govt. of Tamil Nadu
Education Department,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
College Road, Chennai
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
Thuckalay,
Kanyakumari District.

+1cc to Mr.P.Mahalakshmi, Advocate SR.No.3600

+1cc to Government Pleader SR.No.3983

W.A. No. 858 of 2013

RK(CO)
GMY(19/02/2019)