

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.26369 of 2009 and M.P. No.1 of 2009

M.Umamaheswari

.. Petitioner

-vs-

1.State of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.Director of School Education,
Chennai-6.

3.Teachers Recruitment Board,
rep. by its Chairman,
Chennai-6.

4.Headmaster,
Corporation Higher Secondary School,
118, K.R.Koil Street,
West Mambalam,
Chennai - 600 033.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of mandamus directing the respondents to extend the benefit of regularisation of services of the Vocational Teachers appointed by the Parent Teachers Association in other subject to the petitioner who is Computer Teacher which is vocational subject and to regularise the services of the petitioner as Computer Teacher.

For Petitioner :: Mr.C.Vediappan for
M/s.C.S.Associates

For Respondents :: Mr.K.Karthikeyan,
Government Advocate
for R1 to R3

No appearance for R4

ORDER

The writ petition has been filed seeking a direction to the respondents to extend the benefit of regularisation of services of the Vocational Teachers appointed by the Parent Teachers Association in other subject to the petitioner who is Computer Teacher which is vocational subject and to regularise the services of the petitioner as Computer Teacher.

2.Learned counsel appearing for the petitioner would submit that the petitioner, after completing B.Sc. (Maths) in 1994, was appointed as Computer Teacher in July 2002 through Parent Teacher Association in the Corporation Higher Secondary School, the fourth respondent School. He also acquired M.Sc. (Maths) in 2003 and P.G. Diploma in Computer Application in 2005.

3.According to the learned counsel appearing for the petitioner, in respect of appointment of Computer Teacher, being the vocational subject, the Government issued orders to appoint the persons as Computer Teacher, if they have got basic knowledge. As the petitioner possessed the basic knowledge, he was appointed as Computer Teacher through Parents Teachers Association. While so, the Government took policy decision to streamline the computer education and accordingly, sanctioned 1880 posts and allotted to various Government Schools and in this regard, posts were filled up through ELCOT/NIIT Agencies.

4.Learned counsel appearing for the petitioner would further submit that when the petitioner along with others approached this Court seeking a direction to the respondents to regularise their services by conducting special qualifying examination and confer all the consequential benefits, this Court directed the respondents to keep one post vacant for the petitioners. However, the Government took a stand that the above special qualifying examination is only for Computer Instructors, who were appointed through ELCOT, but the Government order has not making any difference between the ELCOT appointees of Parent Teachers Association appointees or otherwise. It generally speaks that the special qualifying examination shall be conducted for the Computer Teachers, who are working in the Higher Secondary Schools. Now the Government has issued orders that all the Teachers who were appointed through Parent Teachers Association as Vocational Instructors be regularised. According to the learned counsel appearing for the petitioner, when all the Vocational Teachers have been regularised, there is no justification in refusing to extend the same benefits to the petitioner, who has been working as Computer Teacher in the fourth respondent School from 2002.

5.Learned counsel appearing for the petitioner would further submit that in a similar circumstance, this Court by order dated 07.04.2017 in W.P. No.18452 of 2012, disposed of the writ petition by directing the respondents therein to apply G.O. Ms. Nos.35 and 69 of the first respondent therein dated 09.02.2007 to the claim made by the writ petitioner and also to take note of the proceedings of the fourth respondent therein. Aggrieved by the said order, when the respondents therein filed a Writ Appeal in W.A. No.2445 of 2018, the Division Bench of this Court by order dated 23.01.2019 dismissed the Appeal confirming the order passed in W.P. No.18452 of 2012, approving the appointment of the writ petitioner as a Vocational Instructor and therefore, the learned counsel appearing for the petitioner prays for a similar order.

6.Placing on record the above order, learned Government Advocate appearing for the respondents 1 to 3 also acceded to pass the same order. It is relevant to extract paragraphs 21 to 23 as under:

21.The first respondent was therefore fully qualified and his appointment as a Vocational Instructor has to be approved. As stated earlier, the first respondent cannot be made to suffer for the inaction part of the School. His juniors have been regularised, he has been regularly attending the school and imparting education. Therefore, the first respondent is eligible to get time scale of pay from 09.02.2007, that is from the date of issuance of G.O. Ms. No.35.

22.For the reasons stated supra, writ appeal therefore fails and the same is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

23.The directions given by the learned Single Judge would be complied, within a period of six weeks from the date of receipt of a copy of this judgment.

7.It is seen that the petitioner was not given the benefit of G.O. Ms. No.35 School Education Department dated 09.02.2007. Although the Government started issuing separate orders depending upon the qualification and experience possessed by the concerned Vocational Teachers appointed on various dates at Government Aided and Government Schools, as the petitioner was working continuously from July 2002 in the fourth respondent School as Computer Teacher, it is not known why the respondents have not come forward to regularise the service of the petitioner applying the above said G.O. Therefore, in the light

of the judgment passed by the Division Bench, the respondents are directed to regularise the service of the petitioner from the date of appointment along with consequential benefits, applying the G.O. Ms. No.35 dated 09.02.2007, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands allowed. Consequently, connected M.P. is closed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

vga

To

1.State of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.Director of School Education,
Chennai-6.

3.Teachers Recruitment Board,
rep. by its Chairman,
Chennai-6.

+1 cc to the Government Pleader, S.R.No.22583

W.P. No.26369 of 2009
and M.P. No.1 of 2009

PPA (CO)
SSM(10/04/2019).

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