

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.22126 of 2013

and M.P.No.1 of 2013

1 S.SUNDARAPANDIAN
NO.59 MADHA KOIL STREET,
THIRUVIDAIMARTHUR, KUMBAKONAM. ...PETITIONER

Vs.

1 THE STATE OF TAMILNADU
REP BY THE SECRETARY,
SCHOOL EDUCATION DEPT.,
FORT ST. GEORGE, CHENNAI- 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI 6

3 THE CHIEF EDUCATIONAL OFFICER,
THANJAVUR 613 001

4 THE DISTRICT EDUCATIONAL OFFICER,
THANJAVUR 613 001

5 THE CORRESPONDENT/SECRETARY,
TOWN HIGHER SECONDARY SCHOOL,
KUMBAKONNAM - 612 001

...RESPONDENTS

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to consider and approve the appointment of the petitioner in the sanctioned vacant post of Craft/Vocational Instructor of the 5th respondent School from the date of his initial appointment i.e. w.e.f. 29.6.2002 and to extend all benefits both service and monetary including backwages etc.

For Petitioner : Mr.L.Chandrakumar
For Respondents 1to 4 : Mr.K.Karthikeyan, G.A.
For Respondent No.5 : Mr.G.Sankaran

O R D E R

According to the petitioner, the petitioner was appointed as Electrical & Domestic Appliances - Repairs & Maintenance (EDA

Teacher) Vocational subjects in a sanctioned post caused due to retirement of the incumbent Mr.G.Mahalingam on 1.6.1999 and the petitioner has been continued in the post of Vocational Teacher from the date of appointment. The Government issued G.O.Ms.No.35 School Education department, dated 9.2.2007 for approval of appointment of as many as 200 odd Vocational Teachers to be brought into time scale of pay with other consequential benefits. According to the petitioner, the petitioner was appointed as Vocational Instructor by the 5th respondent in the year 2002. A proposal was submitted by the 5th respondent to the second respondent for approval of the appointment of the petitioner to the post of Vocational Instructor and the same is pending. Further, it is submitted that the Division Bench of this Court by order, dated 23.1.2019 in W.A.No.2445 of 2018 granted relief to the similarly placed writ petitioner therein. Therefore, the writ petition may be disposed on the same line passed by the Division Bench of this Court in the aforesaid Writ Appeal.

2. The learned Government Advocate appearing for the respondents submitted that challenging the order passed in the aforesaid Writ Appeal, the Government has preferred SLP before the Hon'ble Supreme Court and the same was dismissed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. Considering the submissions made by the parties and in the light of the appeal preferred by the Government against the order of the Division Bench of this Court in W.A.No.2445 of 2018, dated 23.1.2019 dismissed by the Hon'ble Supreme Court, this Court is inclined to allow the writ petition.

5. Accordingly, the Writ petition is allowed. The first respondent is directed to consider the representation of the petitioner, dated 12.4.2013, in the light of the order passed by the Division Bench of this Court in W.A.No.2445 of 2018, dated 23.1.2019 and G.O.Ms.No.35, dated 9.2.2007, as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order. Connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

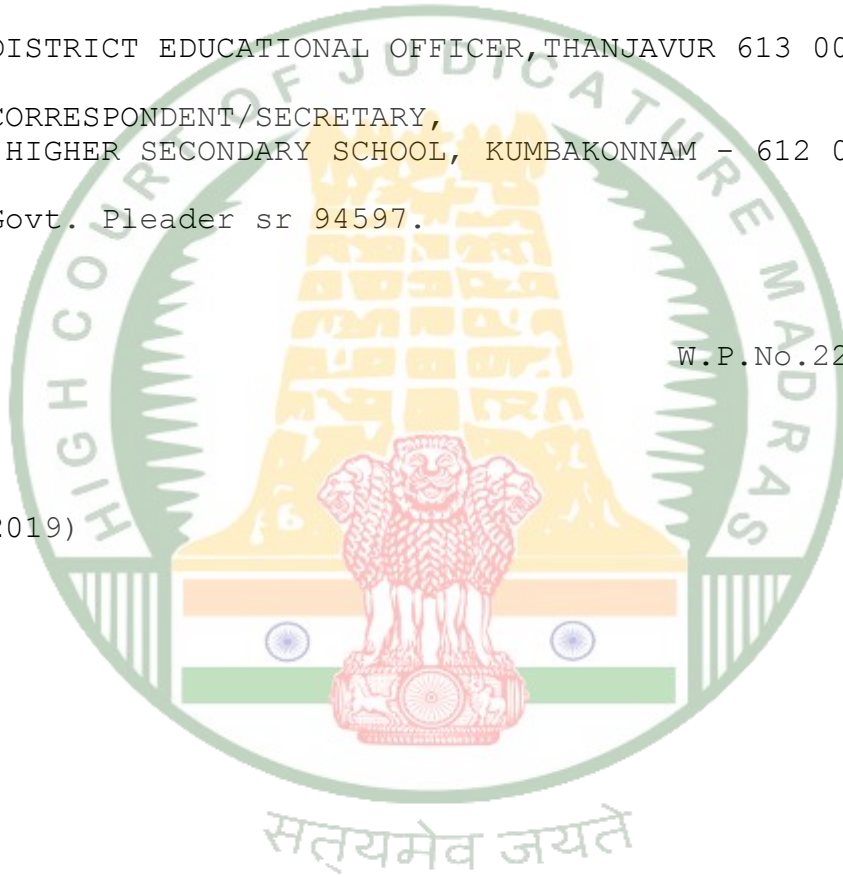
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To

- 1 THE SECRETARY,
STATE OF TAMILNADU, SCHOOL EDUCATION DEPT.,
FORT ST. GEORGE, CHENNAI- 9.
 - 2 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI 6
 - 3 THE CHIEF EDUCATIONAL OFFICER, THANJAVUR 613 001
 - 4 THE DISTRICT EDUCATIONAL OFFICER, THANJAVUR 613 001
 - 5 THE CORRESPONDENT/SECRETARY,
TOWN HIGHER SECONDARY SCHOOL, KUMBAKONNAM - 612 001
- +1 CC to Govt. Pleader sr 94597.

W.P.No.22126 of 2013

BP (CO)
SP (27/12/2019)



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