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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.Nos.3367 to 3372 of 2012

T.Anbalagan	... Petitioner in W.P.No.3367 of 2012
A.Punniayamurthi	... Petitioner in W.P.No.3368 of 2012
N.Pitchaipillai	... Petitioner in W.P.No.3369 of 2012
A.Palanisamy	... Petitioner in W.P.No.3370 of 2012
P.alaganantham	... Petitioner in W.P.No.3371 of 2012
S.Mathi	... Petitioner in W.P.No.3372 of 2012

Vs.

- 1.The Government of Tamilnadu,
Rep. By the Additional Chief Secretary
to Government,
Fort St. George, Chennai 600 009.
- 2.The Selection Committee,
(District Level) rep. By
its Chairperson,
Chief Educational Officer,
Ariyalur, District at Ariyalur.
- 3.The District Elementary,
Educational Officer,
Ariyalur District at Ariyalur. ... Respondents in all WPs

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioners who are the certificate holders in Agriculture for the post of part time instructor.

(In all W.Ps.)

For Petitioners	:	Mr.K.P.Gnanasekaran
For Respondents	:	Mr.P.Raja (Government Advocate)



COMMON ORDER

These Writ Petitions are filed to issue writ of Mandamus, directing respondents to consider the petitioners who are certificate holders in Agriculture for the post of Part Time Instructors.

2.The issue involved in all the Writ Petitions is one and the same and therefore, they are disposed of by this common order.

3.The petitioners in the above Writ Petitions have completed Diploma-Certificate course in Agriculture in the year 1981, 1992, 1994 and 1991 respectively. According to the petitioners, the Government is recruiting the persons who are holding certificate in Art and Drawing, Music, Sewing, Life Skill and Communication Skill servicing, Computer Application and Masonry for the post of Part Time Instructors in Government Schools for standard VI to VIII. But they have not considered the persons who have completed certificate course in Agriculture. The petitioners who have completed Diploma-Certificate course in Agriculture must be given equal opportunity in the employment. The respondents 2 and 3 informed the petitioners that certificate holders in Agriculture were not specified in the instructions and they cannot be considered for appointment. In such circumstances, the petitioners have come out with the present Writ Petitions for the prayer stated above.

4.Mr.P.Raja, learned Government Advocate appearing for the respondents submitted that the petitioners have not challenged the advertisement with regard to other courses and the Government has taken a policy decision only in respect of certificate courses like Art Education, Health, Physical Education and Work Education in Music (Vocal and Instrumental), Sewing, Horticulture, Life Skill and Communication Skill, Masonry and Computer Application, etc., based on needs of the Department on priority basis as Special Teachers in any of the Schools. He relied on the order of this Court dated 06.09.2012 made in W.P.No.722 of 2012, wherein paragraph No.20, reads as follows:

"...20.This Court, in exercise of writ jurisdiction, cannot issue any direction to the respondents to create a particular post or to exclude a particular post, as it is the prerogative of the State Government to sanction and fill up the posts as per the requirements. The Courts have no role to play in this process."



5. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate, appearing for the respondents and perused the entire materials on record.

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6. In view of the policy decision taken by the Government to appoint Special Teachers in Vocational Courses, the petitioners have no vested right seeking direction to the respondents to consider the petitioners for the post of Part Time Instructors, as no such post was created and notified by the Government for appointment. For the above reason, the petitioners are not entitled to any direction by this Court.

7. In the result, these Writ Petitions stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary,
The Government of Tamilnadu,
Fort St. George, Chennai 600 009.

2. The Chairperson,
Chief Educational Officer,
The Selection Committee,
(District Level),
Ariyalur, District at Ariyalur.

3. The District Elementary,
Educational Officer,
Ariyalur District at Ariyalur.

+1cc to the Government Pleader sr.50635

W.P.Nos.3367 to 3372 of 2012

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srg 06/08/2019