

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.Nos.857 & 858 of 2012

S.Krishnamurthi

... Petitioner
(in W.P.No.857 of 2012)

P.Asaithambi

... Petitioner
(in W.P.No.858 of 2012)

Vs.

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

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

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

.. Respondents
(in both W.Ps)

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

In both W.Ps:

For Petitioners : Mr.K.P.Gnanasekaran

For Respondents : Mr.P.Raja (Government Advocate)

C O M M O N O R D E R

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

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

3.The petitioners in the above two Writ Petitions have completed Diploma-Certificate course in Agriculture having obtained the same in the year 1992 and 1990 respectively. According to the petitioners, the Government is recruiting Part Time Instructors in Government Schools for standard VI to VIII, by appointing the persons who are holding the certificate in Art and Drawing, Music and Serving Life Skill and Communication Skill servicing, Computer Application and Masionary. 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 hence they cannot be considered for the 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 for recruitment of special teachers 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 and relied on the order of this Court dated 06.09.2012 made in W.P.No.722 of 2012, in paragraph No.20, wherein it has been held 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.

6. In view of the policy decision taken by the Government to appoint special teachers on in certain categories in Vocational Courses, the petitioners have no vested right to direct the respondents to consider the petitioners for the post of Part Time Instructors in Agriculture, as no such post was created and notified by the Government for appointment. Hence, the petitioners are not entitled for any direction by this Court.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

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

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

+1cc to the Government Pleader Sr.50217

W.P.Nos.857 & 858 of 2012

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srg 01/08/2019