

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.893 of 2012

S.Malini

.. Petitioner

Vs.

1.The Additional Chief Secretary to Government
School Education Department
Secretariat, Chennai-600 009.

2.The Principal Secretary to Government and
State Project Director (Sarva Shiksha Abiyan)
D.P.I. Complex college road
Chennai-600 006.

3.The Chief Educational Officer
Villupuram District
Villupuram.

4.The District Elementary Education Officer
Villupuram District, Villupuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents to appoint the petitioner as Part Time Work Instructor under the G.O.Ms.No.177 (School Education - C2), dated 11.11.2011.

For Petitioner : Mr.T.Arunkumar

For R1 to R4 : Mr.P.Raja
Government Advocate

O R D E R

Writ Petition is filed for issuance of a writ of Mandamus directing the respondents to appoint the petitioner as Part Time Work Instructor under the G.O.Ms.No.177 (School Education - C2), dated 11.11.2011.

2.According to the petitioner, apart from the educational qualification, she had completed Lower Grade in handloom weaving on 05.10.1989 and Higher Grade in handloom weaving on 18.12.1990

conducted by the Director of Technical Education, Government of Tamil Nadu. The 1st respondent issued a notification in newspaper with respect to appointment of 16,549 Part Time Technical Instructors for Government schools across the State to classes VI to VIII. Subsequently, the Government issued G.O.Ms.No.177 (School Education - C2), dated 11.11.2011, in respect of the said Part Time Technical Instructors in which the guidelines of selection and other terms of service were described for selection and appointment. The Government Order referred to above called for application from eligible candidates through newspapers and Employment Exchange. The petitioner applied for the post of Part Time Technical Instructors for the Government school on 15.12.2011 and received interview letter dated 29.12.2011 on 02.01.2012 for the interview to be held on 03.01.2012 at 01.30 p.m. The petitioner went to the interview avenue with all her certificates. One of the attending staff verified her certificates and informed that she will not be allowed to participate in the ongoing interview. The petitioner was illegally prevented from attending interview for the post called for. Hence, the petitioner has come out with the present writ petition.

3.The 3rd respondent filed counter affidavit. Mr.P.Raja, the learned Government Advocate appearing for the respondents contended that the 1st respondent sanctioned 16,549 posts to the post of Part Time Work Instructors. Subsequently, the publication was issued calling for appointment as Part Time Work Instructors in various subjects, but the subject of hand loom weaving was not included in the said publication. The petitioner possessing qualification in hand loom weaving is not eligible for the post called for in the newspaper publication. By mistake, interview call letter was sent to the petitioner. On verification of certificates on the date of interview, she was informed that she was not eligible for appointment and was not allowed to participate in the interview. There was a ban order for appointment of Part Time Instructors in agriculture, wood work, weaving, music and tailoring by G.O.Ms.No.132, dated 27.04.1998. The ban order in respect of tailoring and music alone were withdrawn. The petitioner was not selected for the post of Part Time Work Instructor in hand loom weaving, when no application is called for to the post of Part Time Work Instructor for weaving and prayed for dismissal of the writ petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the entire materials on record.

5.From the materials available on record, it is seen that 16,549 posts were sanctioned for the Part Time Technical

Instructors for Government schools across the State to Class VI to VIII. The learned counsel appearing for the petitioner contended that work education includes weaving also and the petitioner is fully qualified to be appointed as Part Time Instructor in weaving. The action of the respondents in not allowing the petitioner for interview, after calling the petitioner to attend the interview is illegal. On the other hand, the learned Government Advocate appearing for the respondents has submitted that the Government has decided to appoint Part Time Work Instructors only in certain fields and decided not to appoint in the subjects like agriculture, wood work and weaving. The Government has taken a policy decision to appoint Part Time Instructors on need basis. In the order of this Court dated 06.09.2012 made in W.P.No.722 of 2012, in paragraph No.20, 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."

6. According to the learned Government Advocate, no application was called for appointment to the post of Part Time Work Instructor in weaving. When no application is called for, for appointment to the post of Part Time Work Instructor in weaving, the petitioner is not entitled to be appointed as Part Time Instructor in weaving, as Instructor in weaving is not required by the Government. The contention of the learned Government Advocate that interview card was issued to the petitioner by mistake is acceptable, when no application was called for to the post of Part Time Instructor in weaving. When there is a policy decision taken by the Government, the Court cannot interfere with the said policy decision.

7. In the result, the writ petition stands dismissed. No costs.

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Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kj

To

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2.The Principal Secretary to Government and
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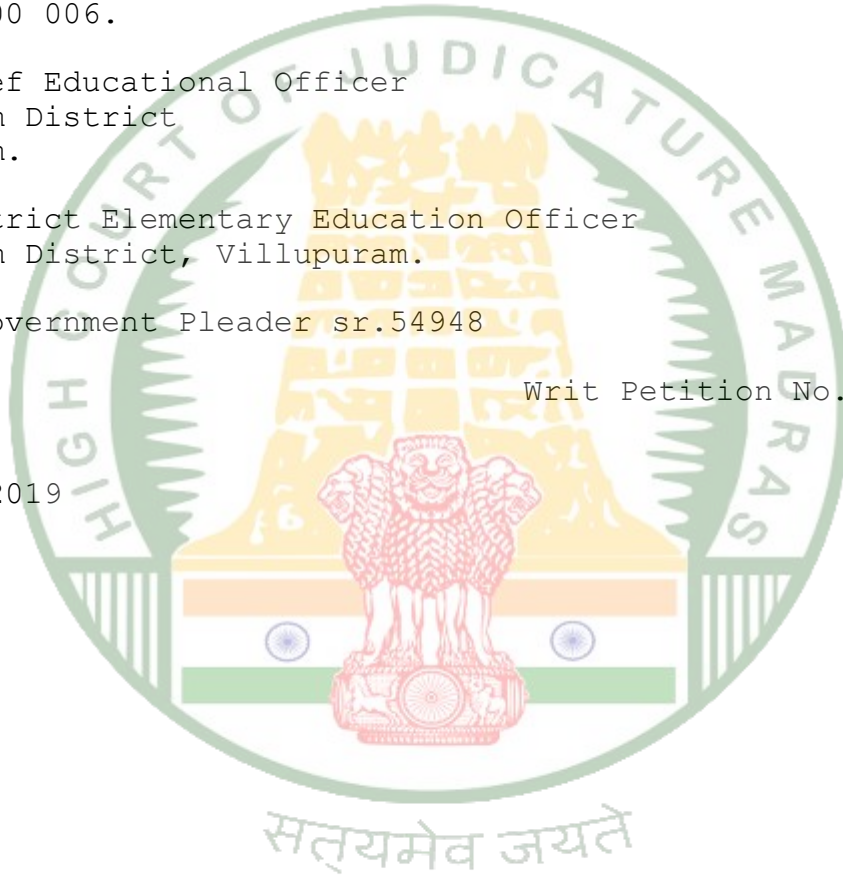
3.The Chief Educational Officer
Villupuram District
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4.The District Elementary Education Officer
Villupuram District, Villupuram.

+lcc to Government Pleader sr.54948

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