

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23628, 23632 and 23633 of 2019

W.P.No.23628 of 2019:-

D.Arul ... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep., by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.
- 4.The District Educational Officer,
Thiruvarur District, Thiruvarur. ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as Vocational Instructor in General Machinist at Vaduvur Aided Higher Secondary School, Vaduvur, Thiruvarur District in regular time scale of pay, by taking into account the service rendered by the petitioner in the post of Vocational Instructor in General Machinist for a period from 28.04.2007 onwards and to bring the petitioner to the regular establishment with all consequential monetary benefits, from the date when the petitioner completes 10 years of service.

W.P.No.23632 of 2019:-

K.Mathiazhagan ... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep., by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

4.The District Educational Officer,
Thiruvarur District, Thiruvarur.

... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as Vocational Instructor in Agriculture at Government Higher Secondary School, Kottur, Thiruvarur District in regular time scale of pay, by taking into account the service rendered by the petitioner in the post of Vocational Instructor in Agriculture for a period from 01.06.2006 onwards and to bring the petitioner to the regular establishment with all consequential monetary benefits, from the date when the petitioner completes 10 years of service.

W.P.No.23633 of 2019:-

V.Mathavan

... Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep., by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

4.The District Educational Officer,
Thiruvarur District, Thiruvarur.

... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as Vocational Instructor in General Machinist at National Higher Secondary School, Mannargudi, Thiruvarur District in regular time scale of pay, by taking into account the service rendered by the petitioner in the post of Vocational Instructor in General Machinist for a period from 09.06.2006 onwards and to bring the petitioner to the regular establishment with all consequential monetary

benefits, from the date when the petitioner completes 10 years of service.

For Petitioners: Mr.R.Saseetharan
(In all W.Ps.)

For Respondents: Mr.C.Munusamy,
(In all W.Ps.) Special Government Pleader (Edn.)

COMMON ORDER

W.P.No.23628 of 2019 has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as Vocational Instructor in General Machinist at Vaduvur Aided Higher Secondary School, Vaduvur, Thiruvarur District in regular time scale of pay, by taking into account the service rendered by the petitioner in the post of Vocational Instructor in General Machinist for a period from 28.04.2007 onwards and to bring the petitioner to the regular establishment with all consequential monetary benefits, from the date when the petitioner completes 10 years of service.

2.W.P.No.23632 of 2019 has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as Vocational Instructor in Agriculture at Government Higher Secondary School, Kottur, Thiruvarur District in regular time scale of pay, by taking into account the service rendered by the petitioner in the post of Vocational Instructor in Agriculture for a period from 01.06.2006 onwards and to bring the petitioner to the regular establishment with all consequential monetary benefits, from the date when the petitioner completes 10 years of service.

3.W.P.No.23633 of 2019 has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as Vocational Instructor in General Machinist at National Higher Secondary School, Mannargudi, Thiruvarur District in regular time scale of pay, by taking into account the service rendered by the petitioner in the post of Vocational Instructor in General Machinist for a period from 09.06.2006 onwards and to bring the petitioner to the regular establishment with all consequential monetary benefits, from the date when the petitioner completes 10 years of service.

4.Heard Mr.R.Saseetharan, learned counsel for the petitioners and Mr.C.Munusamy, learned Special Government Pleader (Edn.) for the respondents.

5. With consent, these writ petitions are taken up for final disposal.

6. The case of the petitioners is that the petitioners were appointed as Vocational Instructors in the non-sanctioned post. Even after 10 years of service, their services were not regularised. Hence, the petitioners made representations dated 11.10.2018, to the respondents. Till date, the representations have not been considered. Hence, the present writ petitions.

7. The learned counsel for the petitioners would submit that though the course was sanctioned, only the post was not sanctioned. Further, he submits that it would suffice, if this Court issues direction to the respondents to consider the petitioners' representations dated 11.10.2018, within a stipulated time frame.

8. The learned Special Government Pleader appearing for the respondents would submit that the petitioners have been appointed in the non-sanctioned post, and they are not entitled to regularisation. However, their representations will be considered in the manner known to law.

9. Though the petitioners have sought for a larger relief, this Court without going into the merits of the case, directs the respondents to consider the petitioners' representations dated 11.10.2018, and pass orders on merits and in accordance with law within a period of twelve weeks' from the date of receipt of a copy of this order.

10. With the above direction, these writ petitions stand disposed of. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

abr
To

1. The Secretary to Government,
The Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

4.The District Educational Officer,
Thiruvarur District, Thiruvarur.

+3cc to M/s.R.Saseetharan, Advocate Sr.85237, 85235, 85236
+1cc to the Government Pleader Sr.85597, 85596, 85595

W.P.Nos.23628, 23632 and
23633 of 2019

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srg 19/11/2019



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