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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32582 of 2019

And

W.M.P.Nos.32962 and 32963 of 2019

1.S.Gandhimathi
2.G.Shanthi
3.U.Vijaya
4.M.Mohan Kumar
5.P.Sivakumar
6.T.L.Jeyaprakash

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai.
- 2.The National Council for Teacher Education (NCTE),
Rep by its Member Secretary,
HANS Bhavan, Wing II,
No.1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.
- 3.The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai - 6.
- 4.The Joint Director of School Education (Vocational),
O/o. the Director of School Education (Vocational),
DPI Campus,
Chennai - 6.
- 5.The Chief Educational Office,
500, Raja St., Near Five Corner,
Town Hall,
Coimbatore - 641 001.
- 6.The Chief Educational Officer,
J.K.Building, Permbalur,
Near Government Higher Secondary School,
Ariyalur 621 212.



7.The Chief Educational Officer,
Manjakuppam, Cuddalore 607 001.

8.The Chief Educational Officer,
3rd fl., C.P.Chitrarasu Maaligai,
Sathuvachari,
Vellore 632 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.8095/V1/E2/2019 dated 27.06.2019 on the file of the respondent No.4 in so far as Clause 1 prescribing the conditions for promotion for Computer Instructor Grade I (PG Cadre) requiring the educational qualification of Under graduation and post graduation under same Discipline and quash the same as illegal and subsequently direct the respondent No.3 to

promote the petitioners as Computer Instructor Grade I (PG Cadre) within the time period stipulated by this Hon'ble Court.

For Petitioners: Mr.T.Lajapathi Roy

For Respondents: Ms.P.Kavitha for R1, R3 to R8
Government Advocate
Mr.Su.Srinivasan for R2
Standing Counsel

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.8095/V1/E2/2019 dated 27.06.2019 on the file of the fourth respondent in so far as Clause 1 prescribing the conditions for promotion for Computer Instructor Grade I (PG Cadre) requiring the educational qualification of under graduation and post graduation under same discipline and to quash the same as illegal and to subsequently direct the third respondent to promote the petitioners as Computer Instructor Grade I (PG Cadre) within a time frame.

2.Heard the arguments advanced on either side.

3.The case of the petitioners is that the petitioners are working as Vocational Instructors (Computer Science) in the Government Schools in various Districts and their services were regularized from the date of their initial appointment. Though



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the petitioners are teaching Computer Science for Higher Secondary students similar to that of PG Teachers, they are drawing salary of BT Assistant. Hence, a representation was made to the respondents to refix the salary on par with PG Teachers.

4.It is the further case of the petitioners that the first respondent issued G.O.Ms.No.26, School Education (SE7-1) Department, dated 12.02.2019, wherein it is stated that the existing Computer Instructors (B.T.Cadre) be redesignated as Computer Instructors Grade - II; accords sanction for creation/upgradation of new category of Computer Instructors Grade - I, with the minimum educational qualifications based on NCTE norms in the pre-revised scale of pay; accords sanction for creation of 814 Computer Instructors Grade - I posts by surrendering corresponding 814 vacant B.T.Cadre posts out of the 2689 sanctioned posts; the newly created post of Computer Instructors Grade - I should be filled up only through direct recruitment by Teachers Recruitment Board; the existing Computer Instructors shall be promoted as Computer Instructor Grade I if they have eight years of service in the present post and possess the required minimum educational qualification based on NCTE norms; and as and when the post of Computer Instructors Grade - II gets vacant due to retirement etc., the posts shall be upgraded to Grade - I by surrendering Grade - II posts for complying with the NCTE Regulations.

5.It is the further case of the petitioners that as per the NCTE norms, the petitioners are fully eligible to be promoted as Computer Instructor Grade I. However, the fourth respondent vide proceedings dated 27.06.2019 passed an order stating that the Existing Computer Instructors and Vocational Instructors (Computer Science) shall be promoted as Computer Instructor Grade - I if they have eight years of service in the present post and if they have undergone the under graduation and post graduation under the same discipline. The same is in violation of NCTE norms and G.O.Ms.No.26, dated 12.02.2019. Aggrieved by the same, the petitioners have filed this petition.

6.The learned counsel appearing for the petitioners would submit that in this regard, the petitioners have made representation dated 01.07.2019, to the respondents, through their Association. He would further submit that it would suffice, if this Court issues direction to the fourth respondent to consider the said representation dated 01.07.2019 within a reasonable time frame.

7.The learned Government Advocate would submit that though the representation was made by the petitioners through their Association, the writ petition has been filed by the individuals. Hence, the petitioners may be directed to submit



their representation and if any such representation is received, the respondents will consider the same and pass appropriate orders in accordance with law.

8. Though the petitioners sought larger relief, considering the submissions made on either side, this Court directs the petitioners to make representation to the respondents. If any such representation is received by the respondents, the same shall be considered and appropriate orders shall be passed, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of such representation.

9. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai.
2. The National Council for Teacher Education (NCTE),
Rep by its Member Secretary,
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3. The Director of School Education,
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Vellore 632 009.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No. 99078
+1cc to Mr.SU.Srinivasan, Advocate, S.R.No. 99249
+1cc to the Government Pleader, S.R.No. 99998

W.P.No.32582 of 2019

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GN(08/01/2020)