

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.01.2019
CORAM:
THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.2445 of 2018
and
C.M.P. No.19726 of 2018

- 1.State of Tamil Nadu
Rep. by the Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.
 - 2.Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
 - 3.Joint Director of School Education,
(Vocational)
DPI Compound, College Road,
Chennai - 600 006.
 - 4.The Chief Educational Officer,
Saidapet, Chennai - 600 015.
- ... Appellants/Respondents

Vs.

- 1.P.Rammesh
 - 2.The Secretary/Correspondent,
P.A.K.Palanisamy Higher Secondary School,
No.1, P.A.N.Rajarathinam Salai,
4th Lane, Old Washermanpet,
Chennai - 600 021.
- ... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order made in W.P.No.18452 of 2012, dated 07.04.2017.

For Appellants : Mr.K.Karthikeyan
Government Advocate.
For R1 : Mr.R.C.Manoharan
For R2 : No Appearance

JUDGMENT

(Judgment of the Court was delivered by SUBRAMONIUM PRASAD, J)

Aggrieved by the order dated 07.04.2017 made in W.P.No.18452 of 2012, allowing the writ petition, filed for a writ of mandamus directing the respondents 1 to 3 therein, to consider the representation of the writ petitioner dated 09.04.2007 with reference to representations dated 04.08.2008, 23.05.2008, 02.08.2011 and 29.03.2012 and to pass orders thereon approving the appointment of the writ petitioner as Vocational Instructor Grade I, with effect from 09.02.2007 being the date of G.O.Ms.No.35, with all monetary and other attendant benefits thereon, State of Tamil Nadu has come up by filing the instant writ appeal.

2. The writ petitioner/first respondent completed B.B.A., PGDCA. He was appointed by an order dated 08.10.1997 by the Secretary/Correspondent, PAK Palanisamy Higher Secondary School, Chennai/second respondent herein, as a Full Time Teacher/Instructor for teaching vocational subject, i.e., Computer Science. Computer Science group was permitted for the school by the Chief Educational Officer, Saidapet, Chennai/fourth appellant herein, by proceedings in R.C.No.15182/A5/86, dated 13.08.1986. Government passed G.O.Ms.No.35 dated 09.02.2007 which read as under:-

"ABSTRACT

Higher Secondary Education - Technical Education - those part time teachers having full qualification, to appoint them in the vacant post on the priority basis - order issued.

School Education (VE) Department
G.O.Ms.No.35 Date: 09.02.2007

Read

1. G.O.(2D) No.46/ School Education /(VE) Dept. dated 12.09.2006.
2. Letter by the Director School Education No. 101568/W26/04, dated 08.09.2006 and 13.12.2006.

WEB COPY O R D E R

It is notified that "during the subsidy sessions of Academic year of 2006-2007 of School Education Department, it was announced that " in the Higher Secondary Schools of Government and Aided School, by the Parent Teachers Association / Management having been appointed as part time Vocational Teacher on temporary basis, those 213 teachers having secured full educational

qualification being appointed and serving in the said post to be absorbed in the vacant post by the permission granted by the Government to bring their appointment under regular time scale of pay on priority basis, the Hon'ble Chief Minister has issued order in this regard."

2. In this connection, the Director of School Education has given his proposal in the following manner:-

(i) those 12 part time Vocational Teachers who are not fully qualified, on granting them short term training, that having qualified in the said training on 08.12.1999 they shall be absorbed as Technical Education Teacher Grade-II, in this regard vide G.O.No.46, School Education, dated 12.09.2006 an order was issued.

(ii) Now at the Government and Aided Schools 117 first grade posts and 84 second grade posts are lying vacant, in the 117 posts the second grade employees are promoted as first grade employees and while appointing them there would exist vacancies of 201 post to second grade.

(iii) the 622 part time Vocational Education Teacher who have been receiving their pay through Parent Teachers Association, are serving in the post in which government has not granted permission. All of them have secured full educational qualification of Technical Educational Instructor. Among them before 20.09.1998 having been appointed as Full Time Technical Instructor, after 20.09.1998 those 44 part time Technical Instructors and which includes two other technical Instructors who have served continuously in various schools.

3. In 201 vacant posts as mentioned in Para 2(II) supra, those fully qualified part time Technical Instructors to be placed in the grade-II can be appointed in the pay scale equivalent to Rs.4500-125-6000, which has been proposed by the Director of School Education.

4. The Government on considering the above said proposal by the Director of School Education, those 201 temporary part time Technical Instructors, who is to be appointed have not been sponsored through Employment Officer, they have been appointed through Parent - Teachers Association and have been serving, therefore there is no possibility of following Communal Rotary System. As mentioned in G.O.(Ms)No. 790 Labourer and Employment Department dated 05.07.1971, even though they have been fully qualified, as they have been appointed after 05.07.1971, on granting relaxation to this order, as per the letter of Director of School Education in No.101568/W26/04 dated 13.12.2006 with enclosure of 201 fully qualified part time Technical Instructors, those 201 technical Instructors are to be placed in the second grade, in the pay scale of Rs.4500-125-6000, to appoint

them on the priority basis, permission is granted to the Director of School Education.

5.This order is issued with the consent of Finance Department vide U.O.No.35/SS(DrKSG)/2007 dated 09.02.2007.
//BY ORDER OF THE GOVERNOR//

M.Kutralingam
Secretary to Government"

3. Government have issued G.O.(Ms) No.69, School Education Department, dated 20.03.2007, regularising the services of Technical Education Teachers Grade II, and the order reads as hereunder:-

Abstract

School Education - Higher Secondary education - Technical education - Writ Petitions Nos.9780/95 and 14027/96 orders - 1049 Grade II Technical education teachers in the pay scale of Secondary grade teacher to upgrade as Grade - I Technical education teachers in the pay scale of Secondary grade teacher - order - issued.

SCHOOL EDUCATION DEPARTMENT

G.O.(Ms) No.69

Date : 20.3.2007

Read

1. G.O.(Ms) No.834, Education, dated 23.9.94.
2. Order made in Writ petitions in W.P.No.9780/95 and 14027/96 dated 8.7.2004 made by the High Court, Madras.

With reference to 1st read above in the Government Order, in the pay scale of BT Teachers 1387 supernumerary post was created and along them to the fully qualified One Part time and tow part time technical educational instructors, on granting priority to the fully qualified and appoint them and the remaining fully qualified teachers as one Part time Technical education Teachers as on 16.10.1992 or thereafter the fully qualified two Part time Technical educational Instructors, it was order to appoint them in the vacancy existing in the post of Secondary Grade Teachers.

2. Among the one part time Technical Educational Instructor, some of them are serving as two part time instructors, they have claimed to grant the pay scale of BT Teachers to them and filed writ petitions before the Hon'ble High Court in W.P.Nos.9780/95 and 14027/96. The Hon'ble Court having heard, by its order dated 8.7.2004 has observed in the following manner:-

i) The unqualified Technical Educational Instructor appointed in the pay scale of Secondary grade Teacher, as per G.O.(Ms) No.834, dated 23.09.1994 the pay scale to trained BT Teachers in the post of Secondary grade teacher to be considered from the date of regularization of the service. Their seniority to be calculated in the similar manner from the date of regularization of their service.

ii) The seniority of the One Part time or two Part time instructors to be calculated from the date of joining the service.

iii) The notional Pay increment to be calculated from date of intended regularization.

iv) However for the reasons for granting the Time Scale of pay and notional Pay increments in this aspect arrears cannot be granted. The Notional Pay increment granted to those on considering them, the Pay scale in the post of BT Teachers, should be paid from the date of order made by the High Court.

3. As per the direction mentioned in the order of the High Court, in enforcing the said order proposal of the Director of School Education was sought for. The Director of School Education in his letter, had stated that 1071 posts of Technical Instructors in Grade 2 to be upgraded as Grade - 1 and to appointment to be made, and as per the order of the High Court dated 8.7.2004, the above said 1071 Technical educational Instructors from 8.7.2004 onwards can be permitted at the Pay scale of BT Teachers.

4. The proposal of the Director of School Education the government has carefully considered at eh 1071 grade - 2 posts excluding 22 vacant posts the 1049, Grade - 2, serving as Technical Educational Instructors, as per the order of High Court, the Government has considered to allow the 1049 serving in the pay scale of Secondary Grade Teachers the technical educational instructors grade - II posts alone is upgraded as Technical educational Instructor grade - I in the pay scale of BT Teachers and to them as per the order dated 8.7.2004 as direction made by the Hon'ble High Court from the date of regularisation of their service the notional pay increment to be calculated, and to disburse the monetary benefits from the date of order dated 8.7.2004 the Government issues order.

5. This order is issued with the consent of Finance Department vide unofficial order No.101/JS TM/EdnII/07 dated 20.3.2007.

// BY ORDER OF THE GOVERNOR//

M.Kutralingam

Secy to Govt.

4. Vide proceedings in Na.Ka.No.2680/Aa4/2009, dated 13.04.2009, the Chief Educational Officer, Saidapet, Chennai, sought for particulars regarding the appointment of the writ petitioner. They were furnished by the School on 23.05.2009. The writ petitioner's service has yet not been regularized/approved.

5. The writ petitioner has given several representations dated 09.04.2007, 04.08.2008, 25.03.2008, 02.08.2011 and 21.03.2011, for approving his appointment as Vocational Instructor Grade-1 with effect from 09.02.2007 being the date of G.O.Ms.No.35. Since the representations were not considered, writ petition has been filed, for the relief stated supra.

6. A learned Single Judge, by order dated 07.04.2017 in W.P.No.18452 of 2012, disposed of the writ petition, by directing the respondents 1 to 4 therein, to apply G.O.Ms.Nos.35 and 69 of the 1st respondent therein, dated 09.02.2007, to the claim made by the writ petitioner and also to take note of the proceedings of the 4th respondent therein dated 13.04.2009 and the response of the 5th respondent therein dated 23.05.2009, and pass appropriate orders, in the light of the observations made in the writ petition, as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of the order and communicate the decision taken to the writ petitioner as well as to the 5th respondent therein/School.

7. The State Government have challenged the said order, by filing the instant writ appeal.

8. Heard the learned counsel for the parties and perused the materials available on record.

9. It is the contention of the State Government, that as per G.O.(Ms).No.35, School Education (VE) Department, Chennai, dated 09.02.2007, the name of the writ petitioner/first respondent, was not considered for regularisation/approval as he was appointed in a non-sanctioned post. According to them, the first respondent is not qualified to hold the post of the Vocational Instructor. Though appointment is said to have been made in 1997, school has sent the proposal only in 2012.

10. On the other hand, the learned counsel for the first respondent would contend that similarly placed persons have been given the same benefit, and referred to orders of this Court in W.P.Nos.20641 of 2008 etc batch, dated 29.08.2008, filed by one V.Sathivel Pandian and others, and the proceedings in R.C.No.101568/V1/E1/2004, dated 11.02.2009, issued to the teacher Mr.V.Sakthivel Pandian, appointed on 02.12.1996, in Sir.M.C.Muthaiya Chettiar Boys Higher Secondary School, Chennai, which reads thus:-

"PROCEEDINGS OF THE TAMIL NADU SCHOOL EDUCATION JOINT
DIRECTOR (VOCATIONAL) CHENNAI- 600 006.

Na.Ka. No.101568/V1/E1/2004 Dated. 11.02.2009

Sub : Higher Secondary Education - Vocational -
Appointment - Government / Corporation / Government
Aided School - Working in Fully Educationally
Qualified Vocational Teacher - Regularised Pay Scale
for Grade I dated I dated 09.02.2007 - issuing of
Appointment Order - Regarding.

Ref: 1. Government G.O.Ms.35 of Education Department
(Vocational Education dated. 09.02.2007.

2. Government Letter No.26809/VE/2008 dated.
21.01.2009

Government Letter No.10380/VE/2007 dated.
04.05.2007

With reference to the Government Order and Letter
cited Government / Corporation / Government Aided
Schools and Teachers who are appointed by the Teachers
Parents Association and working continuously preference
has to be give them from the date of appointment and
approved from 09.02.2007 and orders of appointments is
issued as Vocational Instructor Grade I Order Issued.

As per the annexure and for the Teacher mentioned
in column 2 the post mentioned in Column 5 is issued.

SI .N o.	Name of the Teacher and School in which he is serving	The Date of Appointmen t and Group for which the appointmen t made by the Teachers Parents Associatio n	Government G.O. No.35 Education Department dated. 09.02.2007 and Government Letter in No. 10380/VE/2007- 1 Dated.04.05.20 07 and Full time Regularising from 04.05.2007	Full Time Post Orders of Appointment Government Orders Date and Details
1	2	3	4	5

SI .N o.	Name of the Teacher and School in which he is serving	The Date of Appointmen t and Group for which the appointmen t made by the Teachers Parents Associatio n	Government G.O. No.35 Education Department dated. 09.02.2007 and Government Letter in No. 10380/VE/2007- 1 Dated.04.05.20 07 and Full time Regularising from 04.05.2007	Full Time Post Orders of Appointment Government Orders Date and Details
1	Thiru. V.Sakthivel Pandian, Sri.M.C.Mut haiya Chettiyar Boys Higher Secondary School, Chennai - 600 084.	02.12.1996 Computer Teacher	09.02.2007 to	Permission of Appointment as per the Government Order No.834/Edu/Dated :23.09.1994 After retirement of Mr.G.Janardanan, Vocational Teacher, Grade I on 21.02.2003 from Kanniyalampatti Government Higher Secondary School, Karur District, has been returned to the Department and Government Order (Education) No.69 dated 20.03.2007 Scale Pay 5500- 175-9000

The above Vocational Teacher Grade I is appointed as per the Vocation Teacher Government Order (Ms) No.35 dated. 09.02.2007 and Government Letter No.10380/VE/07-1 dated. 04.05.2007 in the same school as Full Time Vocation Teacher Grade I in the Scale of pay Rs.5500-175-9000 and the School Secretary is

directed to get approval from the Chief Education Officer.

The Head Master is instructed to enter this necessary details of this appointment as Vocational Teacher Grade I in the Scale Register maintained by the School.

Further the said Teacher is eligible for Contributory Pension Scheme.

All the Certificates pertaining to the above Vocational Teacher has to be verified and to be approved and all the Other State Certificates are valued by the concern officers and then only the Salary will permitted to be paid.

The Chief Education Officer has to enter the above Employment of the Full time Vocational Teacher Grade I in the Employment Register maintained at the Office of the Chief Education Officer without fail.

Sd/-

Joint Director (Vocational)"

11. Similar appointment order dated 06.03.2012, has been issued to one T.E.Ramesh, Vocational Instructor, is reproduced:-

"PROCEEDINGS OF THE TAMIL NADU SCHOOL EDUCATION JOINT DIRECTOR (VOCATIONAL) CHENNAI- 600 006.

Na.Ka. No.101568/V1/E1/2004 Dated. 06.03.2012

Sub : Higher Secondary Education - Vocational - Appointment - Government Aided School- Pachaiyappan Higher Secondary School, Kancheepuram District. Mr.T.E.Ramesh appointed by the Parents Teachers Association- Regulaised Pay Scale for Grade I dated. 09.02.0007 - issuing of Appointment Order - Regarding. Ref: 1. Government G.O.Ms. 3 5 of Education Department (Vocational Education dated. 09.02.2007.

2. Government Letter No.26809/VE/ 2008 dated. 21.01.2009 Government Letter No.10380/VE/ 2007 dated. 04.05.2007

3. Proceedings of the Chief Education Officer, Kancheepuram in Na.Ka.No.9223/A6/2010/ dated. 27.08.2010.

4. Proceedings of the Director School Education, Chennai - 5 in Na.Ka.No. 101568/V/ E1/2004/ dated. 25.11.2010.

5. Letter of the Registrar, Annamalai University, Annamalai Nagar, No. B 6-2010 Dated. 20.08.2010.

With reference to the Government Order and Letter cited Mr.T.E.Ramesh, (Computer Teacher) who is

appointed by the Teachers Parents Association and working continuously in Pachaiyappan Higher Secondary School, fully qualified and Orders of appointment is issued Vocational Instructor Grade I in view of the letter cited in reference 2 above.

SI .N o.	Name of the Teacher and School in which he is serving	The Date of Appointment and Group for which the appointment made by the Teachers Parents Association	Government G.O. No..35 Education Department dated. 09.02.2007 and Government Letter in No. 10380/VE/2007-1 Dated.04.05.2007 and Full time Regularising from 04.05.2007	Full Time Post Orders of Appointment Government Orders Date and Details
1	Thiru. T.E. RAMESH Pachaiyappa n Higher Secondary School, Kapcheepura m District	10.06.1999 Computer Teacher	09.02.2007 to	Permission of Appointment Government Order No. 358/Edu/Date : 18.08.1997 Scale Pay 5500- 175 - 9000 Retirement of Thiru.R. Swaminathan Govt. Higher Secondary School Vocational Instructor return Government Govt. Order No.69 / Edu Date: 20.05.2007

The above Vocational Teacher Grade I is appointed as per the Vocation Teacher Government Order (Ms) No. 35 dated. 09.02.2007 and Government Letter No. 10380/VE/07-1 dated. 04.05.2007 in the same school as Full Time Vocation Teacher Grade I in the Scale of pay Rs.5500-175-9000 and the School Secretary is directed to get approval from the Chief Education Officer.

The Head Master is instructed to enter this necessary details of this appointment as Vocational Teacher Grade I in the Scale Register maintained by the School.

Further the said Teacher is eligible for Contributory Pension Scheme.

All the Certificates pertaining to the above Vocational Teacher has to be verified and to be approved and all the Other State Certificates are valued by the concern officers and then only the Salary will permitted to be paid.

The Chief Education Officer has to enter the above Employment of the Full time Vocational Teacher Grade I in the Employment Register maintained at the Office of the Chief Education Officer without fail.

Sd/-

Joint Director (Vocational)"

12. We perused the material on record. The writ petitioner/first respondent has been working as a Vocational Instructor (Teacher), right from 1997. For no fault of his, the School did not pursue the approval. We called for the attendance and acquittance registers of the School and found that the first respondent/teacher is regularly taking classes and has been regularly attending the school from 1997.

13. Order of the Chief Educational Officer, Saidapet, Madras, dated 13.08.1986, granting permission to introduce Computer Science as a component subject, in Vocational Group in the school, reads thus:-

"PROCEEDINGS OF THE CHIEF EDUCATIONAL OFFICER :

SAIDAPET : MADRAS 600 015

Rc.No. 15182/A5/89 Dated 13.8.86.

Sub: Higher Secondary Education - Shedding off Biology in Group 1 - Introduction of Vocational Component (Computer Science) Under General Stream from 1986-87 in the P.A.K.Palanisamy Higher Secondary School, Madras - 21 Orders Issued.

Ref: -1) Proposals Dated 28.07.86 of the Correspondent, P.A.K.Palanisamy Higher Secondary School, Madras - 21.

2) G.O.Ms.No.452, Education Dated 7.4.1986 communicated in Director's Proceedings Rc.No.118858/W22/86 dated 7.4.86.

3) Proposals Rc.No.157580/W21/86 dated 21.5.1986 of the Director of School Education, Madras - 6.

In the circumstances stated in the reference first cited and in exercising the powers of delegated in the proceedings, third cited, permission is hereby granted to introduce Computer Science as a Vocational Component subject under General Stream in standard XI during 1986-87 in the P.A.K. Palanisamy Higher Secondary School, Madras - 21 in the following group, subject to the condition mentioned in para 2 below:

MATHS, PHYSICS, CHEMISTRY, COMPUTER SCIENCE
(English Medium) One Section Only

2. i) That none of the existing Higher Secondary School teachers should be rendered surplus now (or) in future due to the introduction of the group with computer science.

ii) That the viable minimum strength should be maintained in the new group.

iii) That the number of Computers provided by the school as its own cost should be commensurate with the number of pupils admitted in the Computer Science group.

iv) That the syllabus for Computer Science prescribed by the Government along should be adopted.

v) That a sum of Rs.50/- should be remitted into Government account being the recognition Fee for the group permitted and challan in Original sent to this office for perusal and return.

vi) That a part time teacher on monthly remuneration of Rs.300/- tenable for 12 months in a year may be employed to teach the subject and

vii) That only the persons who possess necessary qualifications prescribed by the Government should be appointed in the part time post.

The receipt of this letter should be acknowledged. The challan for the fees should be sent in Original within a week without fail.

Sd/- Y.ERSKINE DEVASTRMATHAM
Chief Educational Officer, Madras 15."

14. Appointment order dated 08.10.1997 of the first respondent is reproduced,

"P.A.K. Palanisamy Higher Secondary School
(Belonging to the Sennaiyillula Virudhunagar Hindu
Nadars Abiviruthi Dharma Fund)

Secretary & Correspondent: No.1,
P.A.N.Rajarathinam Salai,
M.S.S.Chandra Mohan 4 th Lane, Old
Washermanpet,

Chennai-600 021,

Date: 08.10.1997

APPOINTMENT ORDER

Sri.P.Ramesh, is appointed as Computer Science Teacher for handling Higher Secondary classes under consolidated pay of Rs.1,750/- (Rupees One thousand seven hundred and fifty only) per month. This post is subjected to the Managing Board only.

SECRETARY

To.
P.RAMESH,
No.34, West Cemetery Road,
Old Washermenpet,
Chennai - 600 021."

15. Letter of the second respondent/school, dated 09.03.2009, sent to the Joint Director for Vocational Education, Chennai, for approval of Vocational Instructors, is extracted hereunder:-

"P.A.K. Palanisamy Higher Secondary School
(Belonging to the Sennaiyilulla Virudhunagar Hindu
Nadars Abiviruthi Dharma Fund)

Secretary & Correspondent: No.1,
P.A.N.Rajarathinam Salai,
V.M.Vijayakumar, B.Sc., 4 th Lane, Chennai-600 021.

Date: 09.03.2009

To
The Joint Director For Vocational Education,
Directorate of School Education,
D.P.I. Complex,
Chennai.

Respected Sir,

Sub: Requisition for sanction of Computer Science -
Teacher Posts - Reg.

This is to your kind notice that we have approved Computer Science group since 1986 (Rc.No.15182/A5/86 dt 13.8.86) and we have submitted records of our teachers who have been working under consolidated pay. We come to know that government posts are being sanctioned to those teachers who have been working since 1997.

Kindly consider our staff members in the forthcoming list of approval employees as Vocational Teachers.

Thanking You,

Yours faithfully"

16. Proceedings of the Chief Educational Officer dated

13.04.2009, calling for particulars from the School and their reply dated 23.05.2009, are reproduced:-

1. PROCEEDINGS OF THE CHIEF EDUCATIONAL OFFICER,
CHENNAI-15.

Na.Ka.No. 2680/ A4/2009 Dated. 13.4.2009.

Sub: Higher Secondary School - Vocational Course -
Chennai - 21. P.A.K.Palanisamy Higher Secondary
School - Mr.P.Rammesh, the Vocational Teacher
appointed by the School Management and seeking the
details - requested.

Ref: Proceedings of the Director of School Education in
U.Ma.No. 2009 dated.18.03.2009.

It is stated by the Secretary of the P.A.K.Palanisamy Higher Secondary School, Chennai - 21 that, Thiru.P.Rammesh who is working as Vocational Teacher from 10.10.2007 and the documents have to be scrutinized and has to sent to the Director of School Education. The Secretary of the above school is requested to send the documents relating to the appointment of Thiru.P.Rammesh to the Office of the Chief Education Officer.

1. The Original Appointment Order and the Certified Copy of the Appointment Order issued by the Management.
2. The Attendance Roll both Original and Certified Copy.
3. The Acquittance pertaining to the Vocation Teacher P.Rammesh both Original and Certified Copy.
4. The Notes of lesson of the Vocation Teacher P.Rammesh both Original and Certified Copy.
5. The XI Standard Mark Registers from his date of appointment till this date both Original and Certified Copy.
6. The Certified Copy of the Permission letter/ document issued by the Chief Education Officer for the Vocational Teacher.
7. The Original and Certified Copies of the all School Certificates (including SSLC, HSC, Degree, Diploma)
8. The reasons for non inclusion of the name during July 2008.

The School Secretary are requested to send the following details immediately.

Sd/-

For Chief Education Officer.
Chennai -15.

2. P.A.K. Palanisamy Higher Secondary School
(Belonging to Sennaiyilulla Virdhunagar Hindu Nadars
Abiviruthi Dharma Fund)

No.1, P.A.N.Rajarithnam Salai, 4 th Lane, Chennai - 600
021.

Patron:A.T.Bose. B.E.

Secretary

&Correspondent:

President : K.yuvarajan
B.Sc.

V.M.Vijayakumar,

Assistant Secretary:

Vice- President: K.Chandrasahsan
M.C.M.Chandrasekar

Treasurer:

C.Venkatesh M.F.M.

Date : 23.05.2009

To

Office of the Chief Education Officer,
Panagal Maligai, Saidapet, Chennai -15.

Sir,

Sub : Higher Secondary Education - Vocational
Education- Chennai -21, P.A.K.Palanisamy Higher
Secondary School - submitting the details of
Mr.P.Rammesh Vocational Teacher appointed by the
Management - Regarding.

Ref: Your Office Proceedings in Na.Ka.No. 2680/
A4/2009 dated. 13.04.2009.

With reference to the letter cited above the
details we are submitting the details and documents
pertaining to Mr.P.Rammesh who is serving as Computer
Teacher in our School.

1. The Original Appointment Order and the Certified
Copy of the Appointment Order issued by the
Management.
2. The Attendance Roll both Original and Certified
Copy,
3. The Acquittance pertaining to the Vocation Teacher
P.Rammesh both Original and Certified Copy.
4. The Certified Copy of the Permission order issued
by the Chief Education Officer for the Vocational
Teacher.
5. The Original and Certified Copies of the all School
Certificates (including SSLC, HSC, Degree, Diploma)

The said Mr.P.Rammesh is on Medical Leave from
09.08.2007 to 31.12.2007. Therefore from 01.01.2008 a
separate Attendance and Acquittance are maintained
separately. Hence the details pertaining to Mr.Rammesh
has not been sent while sending details of other
Vocational Teachers during July 2008.

Sd/-----
Secretary"

17. Education Department is also aware that the respondent is working in the fifth respondent school, has been provided training and assigned work relating to uploading data. Proceedings of the Chennai East District Educational Officer, dated 10.12.2009, is extracted hereunder:-

"Proceedings of the Chennai East District Education Officer

Na.Ka.No.6830/A1/2009 Dated 10.12.2009

Sub: National Secondary Education Scheme - R.M.SA, Yearly Scheme - 2010-2011 and Training Towards
Ref: Proceedings of the School Education Officer, Chennai - 6

Na.Ka.No.47359/W1/S1/09 Dated 9.12.2009.

With reference to the proceedings of the Director of R.M.S.A. For the Preparation of the Secondary Education Yearly Scheme One Day State Level Training classes for following Computer Teachers are to be conducted on 11.12.2009. The concerned Teachers have to relieved to attend the above training.

Name of the Teachers and the School Name	Training Center Date / Time
Thiru.Rammesh, Computer Teacher Higher	Seva Sangam Girls
P.A.K. Palanisamy Higher Secondary School, Chennai - 21.	Secondary School, Contonment, Trichy. (Near New Bus Stand)

/ Most Urgent/

Sd/-

District Education Officer,"

18. The first respondent has been appointed as an External Examiner in schools, details are as follows:-

"ST.PETER'S HR SEC. SCHOOL ROYAPURAM, CHENNAI-13,

ATTENDANCE CERTIFICATE

Certified that Mr.P.Rameesh P.G.Asst. P.A.K. Palanisamy Higher Secondary School, Chennai-21, has served as External Examiner for the Higher Secondary practical Examination February 2012 at Centre No.6708 ST.PETER'S HR. SEC. SCHOOL on 13.02.12, 14.02.2012, 15.02.2012, 16.02.12, 17.02.12 (Five days).

Date: 17.02.2012
H.M.

Chief Superintendent &

St. Peter's HR. SEC. SCHOOL,

Royapuram, Chennai-600 013."

"HSC SPECIAL SUPPLEMENTARY EXAMINATION JUNE 2013
CENTRE NO. 6721

CENTRE NAME: CGHSS, PULLA AVENUE

ATTENDANCE CERTIFICATE

Thiru/Tmt. P.Rammesh P.G. Asst. attended the duty as Departmental/Invigilator for the XII Std special supplementary Examination June - 13 CHENNAI GIRLS HR. SEC. SCHOOL, PULLA AVENUE, SHENOYNAGAR, CHENNAI - 30. He/She has worked from 24.6.13, 25.6.13, 26.6.13, 27.6.13, & 28.6.13. (5) days.

Place: CHENNAI - 30

Chief Superintendent
Chennai Girls Hr. Sec. School
Pulla Avenue,
Chennai - 30."

"ST PETER'S HR SEC SCHOOL, ROYAPURAM, CHENNAI - 13
HSS March 2017 - Central Valuation Camp - 71

This is to certify P. Rameesh attended the HSS Valuation Work as Tabulator at ST PETER'S HR SEC SCHOOL, CHENNAI - 13 From 05.04.17 to 19.04.17 (Both Days Included)

Camp Officer
Camp No.71, St.Peter's Hr.Sec.School
Royapuram, Chennai - 13."

"State Project Directorate, Chennai - 600 006
Rashtriya Madhyamik Shiksha Abhiyan

ATTENDANCE CERTIFICATE

This is to certify that Thiru / Tmt P.RAMMESH, P.A.K. Palanisamy Hr.Sec. School, Chennai District has attended the training on Workplace@Facebook held at Anna Centenary Library Conference Hall, Kotturpuram, Chennai on 06.07.2018. TA/DA has been paid in this office.

Joint Director"

19. He has been appointed as Nodal Officer, vide proceedings of the District Educational Officer, Chennai (East), proceedings dated 01.10.2015, which reads thus:-

"Proceedings of the District Education Officer,
Chennai- 94.

Na.Ka No.3096/A3/2015 Dated. 01.10.2015.

Sub : 2015- 2016 Uploading of Data in Computer System pertaining to School Education- Income Certificate, Residential Certificate and Community Certificate - To Fix the Nodal center (Nodal Point)

and to update in ONLINE - Regarding.

Ref : 1. Proceedings of the Government Additional Chief Secretary, Revenue Department in Na.Mu.Ka.No.R.A(3)44844/2012 dated 15.09.2015.

2. Instructions of the Chief Education Officer, Chennai -15 dated.23.09.2015.

With reference to the Government Letter and the instructions of the Chief Education Officer, Chennai, cited above, the subject relating to uploading of the data pertaining to the Income Certificate, Residential Certificate and Community Certificate in the Computer System and appointing Contact Officer, Contact Center and Nodal Point

1. Contact Officer: Tmt. C.Pushpa. Headmistress
Mobile No: 94420 93551, Chennai - 08, Presidency Girls Higher Secondary School, Egmore.

Contact Center: Chennai - 08, Presidency Girls Higher Secondary School, Egmore (Egmore Circle)

Organiser: 1. Tmt.Bharathi. P.G.Asst., (Commerce) Chennai-08, Presidency Girls Higher Secondary School, Egmore.

2. Thiru. Duraimani, Computer Instructor, Mobile No: 97101 29891 K.R.C.A.R.C. Higher Secondary School, Chennai -01,

2. Contact Officer :Thiru.J.Vijayaraj, Headmaster, Mobile No : 94441 42395 Chennai -21. P.A.K.Palanisamy Higher Secondary School, Old Washermenpet

Contact Center: Chennai-21. P.A.K.Palanisamy Higher Secondary School, Old Washermenpet

Organiser: 1.Thriu. Rammesh, Computer Instructor, Mobile : 9941506051, v Chennai -21. P.A.K.Palanisamy Higher Secondary School, Old Washermenpet

2. Tmt. Sylviya, Computer Instructor, Mobile : 98411 64576. C.S.I. Northwick Girls Higher Secondary School, Chennai - 13.

3. N.K.T. Girls Higher Secondary School, Triplicane, Chennai - 600 005. (South Chennai Educational District) (Mylai - Triplicane Division)

The Above School Headmasters (Nodal Officer) are directed to arrange separate room in the school Campus with Facilities to the Computer, Scanners, Prime's and Internet to perform and complete subject work

District Educational officer
Chennai East, Chennai - 94."

It is a sanctioned post. The post was sanctioned way back in the year 1986. The argument of the State that mere granting permission to start Computer Science group cannot be construed that a post was sanctioned and the permission granted was only

for the sake of students appearing in the public examination in a particular group, cannot be accepted.

20. The admitted fact is that the Director of School Education, had accepted the recommendation of the Chief Educational Officer, Saidapet, Chennai, and duly permitted the Secretary/Correspondent, PAK Palanisamy Higher Secondary School, Chennai/second respondent herein, to commence a Computer Science group from the academic year 1986-87. The writ petitioner possess all the educational qualifications, it is not the case of the first respondent that he has obtained any qualification between 1997 to 2012.

21. The first respondent was therefore fully qualified and his appointment as a Vocational Instructor has to be approved. As stated earlier, the first respondent cannot be made to suffer for the inaction part of the school. His juniors have been regularised, he has been regularly attending the school and imparting education. Therefore, the first respondent is eligible to get time scale of pay from 09.02.2007, that is from the date of issuance of G.O.Ms.No.35.

22. For the reasons stated supra, writ appeal therefore fails and the same is dismissed. No Costs. Consequently, the connected civil miscellaneous petition is closed.

23. The directions given by the learned Single Judge would be complied, within a period of six weeks from the date of receipt of a copy of this judgment.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dm/pkn

TO

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

WEB COPY

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

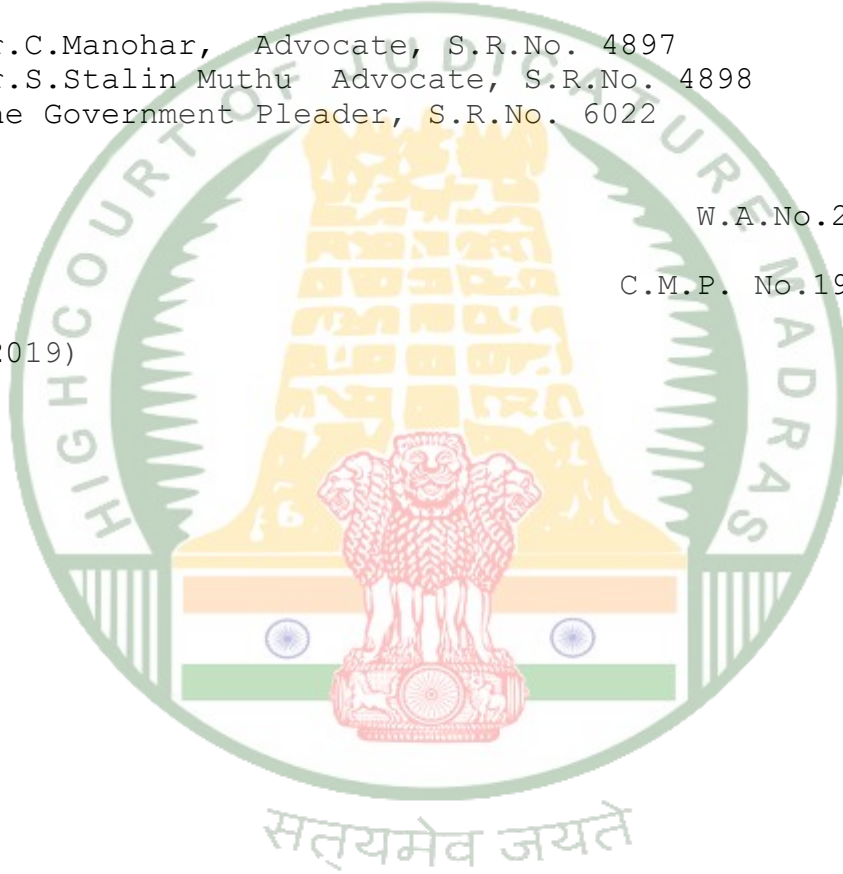
3. Joint Director of School Education,
(Vocational)
DPI Compound, College Road,
Chennai - 600 006.

4. The Chief Educational Officer,
Saidapet, Chennai - 600 015.

+2cc to Mr.C.Manohar, Advocate, S.R.No. 4897
+1cc to Mr.S.Stalin Muthu Advocate, S.R.No. 4898
+1cc to the Government Pleader, S.R.No. 6022

W.A.No.2445 of 2018
and
C.M.P. No.19726 of 2018

AK (CO)
GN(14/02/2019)



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