



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

WEB COPY

W.P(MD)Nos.16386, 16387, 16388 & 16389 of 2015, 21652 & 21653 of
2017

and M.P(MD)Nos.1, 1, 1, 1, 2, 2 & 2 of 2015

and W.M.P(MD)Nos.17932 to 17935 of 2017

W.P(MD)No.16386 of 2015:-

The Manager/Correspondent,
V.K.P.Higher Secondary School,
Colachel, Kanyakumari District.

... Petitioner

Vs.

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

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

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

4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

5.The District Educational Officer,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to approve forthwith the appointment of Tmt.N.Vijayalakshmi as Vocational Instructor (Accountancy & Auditing) in the petitioner's School with effect from the date of appointment viz., 10.02.2006 with salary and all attendant benefits.



WP (MD) . 16387/ 2015

THE CORRESPONDENT

CHRISTUCOIL L.M.S.HIGHER SECONDARY SCHOOL.
PALLIYADI, KANAYAKUMARI DISTRICT - 629 169.

... Petitioner

- Vs. -

-

- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY, DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 600 009.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION (VOCATIONAL),
COLLEGE ROAD, CHENNAI - 600 006.
- 4 THE CHIEF EDUCATIONAL OFFICER
NAGERCOIL, KANYAKUMARI DISTRICT.
- 5 THE DISTRICT EDUCATIONAL OFFICER,
THUCKALAY, KANYAKUMARI DISTRICT.

... Respondents

Prayer in WP(MD). 16387/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent Chief Educational Officer in Na.Ka,No. 9223/A3/14 dated 29.12.2014 (refusing approval to the appointment of Thiru D.L.Chithran as Vocational Instructor in Electrical Machines & Appliances) in the petitioners School. Quash the same and further direct the 4th & 5th respondents herein to approve forthwith the appointment of D.L.Chithran as Vocational Instructor in Electrical Machines & Appliances w.e.f the date of appointment viz. 07.08.2006 with salary and all attendant benefits.

WP (MD) No.16388 of 2015:

M.MARY STELLA VOCATIONAL INSTRUCTOR,
(ACCOUNTANCY AND AUDITING), ST. ANTONY S HR. SEC. SCHOOL,
AZHAGAPPAPURAM-629 401, KANYAKUMARI DT.

... Petitioner



- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY, DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 600 009.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION
(VOCATIONAL) COLLEGE ROAD, CHENNAI-600 006.
- 4 THE CHIEF EDUCATIONAL OFFICER, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 5 THE DISTRICT EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 6 THE CORRESPONDENT ST. ANTONY'S HR. SEC. SCHOOL,
AZHAGAPPAPURAM-629 401, KANYAKUMARI DISTRICT.

... Respondents

Prayer in WP(MD). 16388/ 2015 :Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for t he records relating to the impugned proceedings issued by the 4th respondent Chief Educational Officer in Na.Ka. No.9579/A3/14 dated 16.12.2014, signed on 02.02.2015 (refusing approval to the appointment of petitioner as Vocational Instructor in Accountancy & Auditing), Quash the same and further direct the respondent 1 to 5 herein to approve forthwith the appointment of petitioner as Vocational Instructor in Accountancy & Auditing W.E.F., The date of appointment viz., 02/06/2005 in ST. Antony's higher Secondary School, Azhagappapuram, with salary and all attendant benefits.

WP(MD)No. 16389 of 2015:

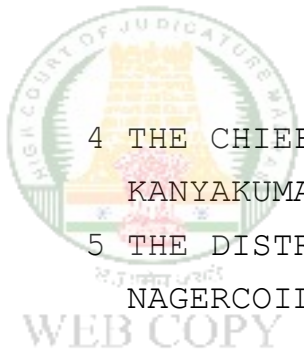
THE SECRETARY, D.V.D.HIGHER SECONDARY SCHOOL,
KOTTAR, NAGERCOIL 629 002, KANYAKUMARI DIST

... Petitioner

- Vs. -

-

- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY, DEPARTMENT OF SCHOOL EDUCATION,
FORT ST.GEORGE, CHENNAI 600 009
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI 600 006
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION (VOCATIONAL)
COLLEGE ROAD, CHENNAI 600 006



4 THE CHIEF EDUCATIONAL OFFICER NAGERCOIL,
KANYAKUMARI DIST
5 THE DISTRICT EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DIST

... Respondents

Prayer in WP(MD). 16389/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th Respondent Chief Educational Officer in Na.Ka.No.604/A1/14 dt. ...01.2015(refusing approval to the appointment of P.Antiles as Vocational Instructor in General Machinist, B.S.Jeeva as Vocational Instructor in Electrical Machines and Appliances and R.Meenakshi Sundaram as Vocational Instructor in General Machinist) in the petitioners School, quash the same and further Direct the 4th and 5th respondents herein to approve forthwith the appointment of P.Antiles as vocational Instructor in General Machinist, B.S. Jeeva as Vocational

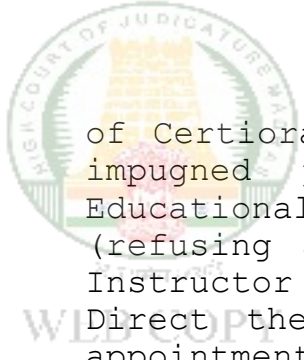
WP(MD)No.21652 of 2017:

M.PONRAJ SEBASTIAN,
VOCATIONAL INSTRUCTOR, (ACCOUNTANCY & AUDITING)
S.S.V.HIGHER SECONDARY SCHOOL, MATHAPATTANAM KOVILLOOTHU-627 415,
TIRUNELVELI DIST. ... Petitioners

- Vs. -

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION, FORT ST.GEORGE, CHENNAI - 600 009
2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI.
3 THE JOINT DIRECTOR OF SCHOOL EDUCATION
(VOCATIONAL) COLLEGE ROAD, CHENNAI - 600 006.
4 THE CHIEF EDUCATION OFFICER TIRUNELVELI,
TIRUNELVELI DIST.
5 THE DISTRICT EDUCATIONAL OFFICER,
CHERANMAHADEVI - 627 414, TIRUNELVELI DIST.
6 THE CORRESPONDENT, S.S.V.HIGHER SECONDARY SCHOOL,
MATHAPATTANAM, KOVILLOOTHU-627 415, TIRUNELVELI DIST.

... Respondents



of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 5th respondent District Educational Officer in O.Mu.No.1911/a 3/2017 dated ---.08.2017 (refusing approval to the appointment of petitioner as Vocational Instructor in Accountancy & Auditing), quash the same and further Direct the respondents 1 to 5 herein to approve forthwith the appointment of petitioner as Vocational Instructor in Accountancy & Auditing w.e.f.the date of appointment viz., 22.06.2016 in S.S.V.Higher Secondary School, Mathapattanam, with salary and all attendant benefits.

WP(MD)No.21653 of 2017:

J.UDHAYA CHANDIRIKA VOCATIONAL INSTRUCTOR,
(ACCOUNTANCY & AUDITING) S.S.V.HIGHER SECONDARY SCHOOL,
MATHAPATTANAM KOVILLOOTHU-627 415, TIRUNELVELI DIST.

... Petitioners

- Vs. -

-

- 1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION, FORT ST.GEORGE, CHENNAI - 600 009
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI.
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION
(VOCATIONAL) COLLEGE ROAD, CHENNAI - 600 006.
- 4 THE CHIEF EDUCATIONAL OFFICER TIRUNELVELI,
TIRUNELVELI DIST.
- 5 THE DISTRICT EDUCATIONAL OFFICER,
CHERANMAHADEVI - 627 414, TIRUNELVELI DIST.
- 6 THE CORRESPONDENT, S.S.V.HIGHER SECONDARY SCHOOL,
MATHAPATTANAM, KOVILLOOTHU-627 415, TIRUNELVELI DIST.

... Respondents

Prayer in WP(MD). 21653/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 5th respondent District Educational Officer in O.Mu.No.1910/a 3/2017 dated ---.08.2017 (refusing approval to the appointment of petitioner as Vocational Instructor in Accountancy & Auditing), quash the same and further Direct the respondents 1 to 5 herein to approve forthwith the appointment of petitioner as Vocational Instructor in Accountancy & Auditing w.e.f.the date of appointment viz., 22.06.2016 in S.S.V.Higher Secondary School, Mathapattanam, with salary and all



attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers.

WEB COPY

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

COMMON ORDER

W.P(MD)No.16386 of 2015 has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to approve forthwith the appointment of N.Vijayalakshmi as Vocational Instructor (Accountancy & Auditing) in the petitioner's School with effect from the date of appointment viz., 10.02.2006 with salary and all attendant benefits.

2.W.P(MD)Nos.16387 to 16389 of 2015 and 21652 and 21653 of 2017 have been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the fourth respondent and fifth respondent respectively and further, to direct the respondents 4 and 5 to approve forthwith the appointment of D.L.Chithran, Mary Stella, P.Antiles, Ponraj Sebastian and Udhaya Chandirika as Vocational Instructor in the School from the date of their appointment.

3.Since the issue involved in these writ petitions, is one and the same, they are being taken up for hearing together and disposed of by this common order.

4.The learned counsel appearing for the petitioners submitted that the issue involved in the present Writ Petitions is squarely covered by the earlier Judgment of this Court in ***The State of Tamil Nadu and others Vs. The Secretary/Correspondent [W.A(MD)No.1494 of 2017, decided on 01.03.2018]***, and prayed for allowing the Writ Petitions on the similar lines.

5.The learned Special Government Pleader appearing for the respondents is not disputing the same and submitted that the Government has also issued G.O(Ms)No.142, School Education (SE7-1) Department, dated 13.07.2018.

6.It is useful to refer to the relevant portions of the Judgment of this Court in ***The State of Tamil Nadu and others Vs. The Secretary/Correspondent [W.A(MD)No.1494 of 2017, decided on 01.03.2018]***, hereunder:-

"7.After elaborate and careful perusal of the materials on record, we find from the staff fixation year 2013-14, dated 29.10.2017 as on 01.08.2013 there was one post of Vocational Instructor for the subject General Mechanist and



on the date when Thiru.R.Kannan was appointed, ie., 10.06.2013, the School had one post of Vocational Instructor and therefore, to state that the appointment itself is not sustainable is a stand which has to be rejected.

8. Next we come to staff fixation done by the Department for the year 2014 vide order, dated 07.11.2014. It is interesting to note that in the said order, the appellant department records the fact that there are 46 students in the 11th standard and 39 students in the 12th standard inspite of the same stated in the fixation order that one post is surplus. In our considered view, the Department cannot take such a technical plea. When it is admitted fact there exists sufficient students strength, the course has to continue. Thus, the order of the fifth respondent showing one post of Vocational Instructor as surplus, he has virtually closed down the said course as there would be no teacher. We cannot lose sight of the fact when there is full students strength and course is in demand, the Department cannot take such a stand and render one post as surplus. In the Government Order in G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997, in paragraph No.IV, the number of post eligible for Higher Secondary School is mentioned in the clause (d) of the said order which states that for vocational stream, two posts of teachers (full time) will be sanctioned irrespective of the number of courses. Therefore, even while passing the order, dated 29.10.2013 and fixing the staff strength for the year 2013-14, the respondent/Management was entitled to two post of Vocational Instructor. Thus, we find the reason for rejection of approval of the Vocational Instructor, Thiru.R.Kannan as well as staff fixation for the year 2014-2015 is completely flawed.

9. In the result, we dismiss the Writ Appeal for the reasons stated above and issue the following directions:-

(i) The respondents 4 and 5 shall approve the appointment of Thiru.R.Kannan, Vocational Instructor, which appointment was made on 10.06.2013, as the post was very much available in terms of staff fixation order, dated 29.10.2013.

(ii) Insofar the Academic Year 2014-2015 is concerned, the respondents 4 and 5 are directed to take note of the factual aspects which is admitted in the fixation order itself, namely, students strength and sanction one post with effect from the year 2014-2015 onwards in the category Vocational Instructor and the petitioner is entitled to be paid salary in the said post.

10. The above direction should be complied with within a period of twelve weeks from the date of receipt of copy of this order. Accordingly, the Writ Appeal fails and stands dismissed."



7. Following the same, these Writ Petitions are disposed of in similar line. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD

ASSISTANT REGISTRAR (CO)

WEB COPY

TRUE COPY

SUB ASSISTANT REGISTRAR

ps

To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Joint Director of School Education (Vocational),
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
5. The District Educational Officer,
Thuckalay, Kanyakumari District.
6. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
7. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

6CC'S TO M/S. ISAAC CHAMBERS, VIDE SR:
52745, 52746, 52747, 52748, 52749, 52750.

2CC'S TO THE SPL GOVT PLEADER SR 52662 AND 52667

MK

28 03 2019

8P / 16C

**W.P (MD) Nos. 16386, 16387, 16388 & 16389 of 2015,
21652 & 21653 of 2017
07.03.2019**