



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD) No.572 of 2019
and
C.M.P.(MD) No.4718 of 2019

P.N.Asma ... Appellant/Third Party

-vs-

- 1.Darussalam Higher Secondary School,
Kadayanallur,
Tirunelveli District,
Rep. by its Manager,
S.A.Abdul Wahab ... 1st Respondent/Petitioner
- 2.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.
- 3.The Director of School Education (Higher Secondary),
College Road,
Chennai - 600 006.
- 4.The District Educational Officer,
Thenkasi,
Tirunelveli District. ... Respondents 2 to 4/
Respondents 1 to 3

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 20.03.2012, made in W.P.(MD) No.3548 of 2007, on the file of this Court.

Prayer in WP(MD). 3548/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to call for records of G.O.Rc.No.104 Education Department dated 12.07.2002 and G.O.Rc.No.39 Education Department dated 21.03.2003 and quash the same in so far as it permits conversion of music and tailoring teachers only and consequently direct the respondents 2 and 3 to approve the appointment of the petitioner of Mrs. P.N. Asma as vocation



instructor in tailoring in Darussalam Higher secondary school, Kadayanallur from 30.06.2006.

For Appellant : Mr.R.V.Rajkumar
For 1st Respondent : Mr.R.Balakrishnan
For 2nd Respondent : Mrs.S.Srimathy
Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.R.V.Rajkumar, learned counsel appearing for the appellant, Mr.R.Balakrishnan, learned counsel appearing for the first respondent and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

2.The Writ Appeal has been filed challenging the order dated 20.03.2012, passed in W.P.(MD) No.3548 of 2007. By consent on either side, this Writ Appeal is taken up for final disposal.

3.The respondents cannot dispute the fact that identical issue as raised in this appeal has already been raised and decided by this Court in the following decisions:

- i) W.A.(MD) No.421 of 2017, dated 19.04.2017;
- ii) W.P.No.8029 of 2019, dated 31.07.2017;
- iii) W.P.(MD) No.8998 of 2016, dated 20.02.2018;
- iv) W.P.(MD) Nos.24088 of 2017 and batch cases and W.A.(MD) No.65 of 2018, dated 02.03.2018.
- v) W.A.(MD) No.700 of 2018, dated 22.06.2018; and
- vi) W.P.(MD) No.10158 of 2018, dated 12.09.2018.

The above said decisions have been noted by this Court when the case was entertained on 14.06.2019. Further, as against the similar order passed by the Division Bench of this Court in W.P.(MD) No.24071 of 2017, the official respondents preferred a Special Leave Petition in S.L.P.(C) No.8889 of 2019 and the same was dismissed by the Hon'ble Apex Court on 01.04.2019.

4.In the light of the above, we find that the issue involved in this Writ Appeal is squarely covered by the aforesaid decisions. Accordingly, the Writ Appeal is allowed on the same terms and the respondents are directed to give permission to the appellant to continue to work as Vocational Instructor (Tailoring) by converting



the post of Vocational Instructor in Weaving to that of the Vocational Instructor (Tailoring). The above direction shall be complied with within a period of three months from the date of receipt of a copy of this judgment. Consequently, connected C.M.P. is closed as unnecessary. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To:

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

2.The Director of School Education (Higher Secondary),
College Road,
Chennai - 600 006.

3.The District Educational Officer,
Thenkasi,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-87221[F] dated 17/09/2019)

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-87447[F] dated 18/09/2019)

W.A. (MD) No.572 of 2019

and

C.M.P. (MD) No.4718 of 2019

16.09.2019

sj

JMN(24.09.2019) 3P : 6C