



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

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W.P. (MD) No.5774 of 2019

and

W.M.P (MD) No.4598 & 4599 of 2019

A.Darbin Lal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented 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 Education),
College Road, Chennai - 600 006.
- 4.The Joint Director of School Education,
(Higher Secondary Education),
College Road, Chennai - 600 006.
- 5.The Chief Educational Officer,
Kanyakumari District, Nagercoil - 629 001.
- 6.The District Educational Officer,
Nagercoil - 629 001, Kanyakumari District.
- 7.The Correspondent,
Scott Christian Higher Secondary School,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 6th respondent District Educational Officer, Nagercoil, in O.Mu.No.7159/A2/2016 dated 15.12.2016, quash the same and further direct the 6th respondent District Educational Officer, Nagercoil, to approve forthwith the appointment of the petitioner as Vocational Instructor in Electrical Maintenance and Appliances (E.M.A) in the 7th respondent School w.e.f., 13.10.2016, and disburse the grant-in-aid towards her salary and other attendant benefits.



For Petitioner : Mr.S.Xavier Rajini
For R-1 to R-6 : Mrs.S.Srimathy,
Special Government Pleader

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ORDER

This writ petition is filed seeking to quash the proceedings of the 6th respondent, District Educational Officer, Nagercoil, in O.Mu.No.7159/A2/2016 dated 15.12.2016, and to direct the 6th respondent, District Educational Officer, Nagercoil, to approve forthwith the appointment of the petitioner as Vocational Instructor in Electrical Maintenance and Appliances (E.M.A) in the 7th respondent School w.e.f., 13.10.2016, and disburse the grant-in-aid towards her salary and other attendant benefits.

2. The learned Counsel for the petitioner submitted that the issue involved in this writ petition has already been settled by the decision of a Division Bench of this Court, in WA(MD)Nos.828 of 2014 and 129 to 132 of 2015, on 22.04.2016.

3. The learned Special Government Pleader took a stand that the claim of conversion by the 7th respondent School has not been considered so far, in that event, there cannot be any order granting approval right from the date of appointment.

4. The learned Counsel for the petitioner, in reply, has submitted that the very same issue has been considered by this Court, in the case of, **C.Wilson Sundar Raj Vs. The Director of School Education, Chennai** and others, reported in (2012) 3 MLJ 678 and the relevant portion of the same reads as follows;-

"4.It is stated by the petitioner that when his appointment was made on 19.01.1999, the conversion of the said post was granted by the 1st respondent should be effective only from the date of appointment of the petitioner and consequently, the petitioner ought to have paid salary from 19.01.1999 onwards instead of 19.03.2002. Therefore, he has challenged the impugned orders with a prayer as stated supra."

5. The above submission has not been seriously objected to by the learned Special Government Pleader appearing for the official respondents.

6. This Court is of the considered view that the judgment cited supra, squarely covers the issue involved in the present writ petition and the writ petitioner necessarily has to succeed.

7. In view of the foregoing discussion, the respondent Nos.5 and 6 are directed to approve the petitioner's appointment with effect from 13.10.2016 and disburse the grant-in-aid towards her salary and other attendant benefits, within a period of six weeks



from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The State of Tamil Nadu,
Represented 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 Education),
College Road, Chennai - 600 006.
- 4.The Joint Director of School Education,
(Higher Secondary Education),
College Road, Chennai - 600 006.
- 5.The Chief Educational Officer,
Kanyakumari District, Nagercoil - 629 001.
- 6.The District Educational Officer,
Nagercoil - 629 001, Kanyakumari District.

+1CC TO MR.S.XAVIER RAJINI, Advocate Sr. No.52373
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 52290

ORDER MADE IN
W.P. (MD) No.5774 of 2017
06.03.2019

SCR(CO)
TR (20.05.2019) 3P 9C