



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.7656 to 7660 of 2017

and

W.M.P. (MD)Nos.5966, 5968, 5969, 5971 & 5972 of 2017

AND WMP(MD)Nos.5965, 5967, 5970 OF 2017

THE CORRESPONDENT

C.M.S. HIGHER SECONDARY SCHOOL,

SRIVILLIPUTTUR - 626 125, VIRUDHUNAGAR DISTRICT.

... Petitioner in WP(MD). 7656/ 2017

THE CORRESPONDENT

C.M.S. HIGHER SECONDARY SCHOOL,

SRIVILLIPUTTUR - 626 125, VIRUDHUNAGAR DISTRICT.

... Petitioner in WP(MD). 7657/ 2017

THE CORRESPONDENT,

ST. ANNES GIRLS HIGHER SECONDARY SCHOOL,

MELAPUDUR -01, TRICHY DISTRICT.

... Petitioner(s) in WP(MD). 7658/ 2017

THE CORRESPONDENT,

ST. XAVIERS HIGHER SECONDARY SCHOOL,

PALAYAMKOTTAI - 627 002, TIRUNELVELI DISTRICT.

... Petitioner in WP(MD). 7659/ 2017

N.AMUDHA,

VOCATIONAL INSTRUCTOR, (ACCOUNTANCY & AUDITING),

DEVASWOM HIGHER SECONDARY SCHOOL,

MONDAIKADU 629 251, KANYAKUMARI DISRICT

... Petitioner(s) in WP(MD). 7660/ 2017



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 (VOCATIONAL)

COLLEGE ROAD, CHENNAI - 600 006.

4 THE CHIEF EDUCATIONAL OFFICER,

VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,

THIRUVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

... Respondents in WP(MD).7656 / 2017

AND WP(MD)No.7657 OF 2017

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 (VOCATIONAL),

COLLEGE ROAD, CHENNAI - 600 006

4 THE CHIEF EDUCATIONAL OFFICER

TIRUCHY, TIRUCHY DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,

TIRUCHY, TIRUCHY DISTRICT.

... Respondents in WP(MD). 7658/ 2017

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
TIRUNELVELI, TIRUNELVELI DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

... Respondents in WP(MD). 7659/ 2017

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

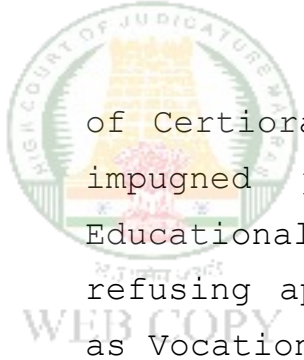
5 THE DISTRICT EDUCATIONAL OFFICER,
THUCKALAY, KANYAKUMARI DIST

6 THE SECRETARY
DEVASWOM HIGHER SECONDARY SCHOOL,
MONDAIKADU 629 251, KANYAKUMARI DIST

... Respondent(s) in WP(MD). 7660/ 2017

Prayer in WP(MD). 7656/ 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 A.Thi.Mu.No.2271/A1/2016 dated 02.10.2016 refusing approval to the appointment of Tmt.W.Jeyakumari as Vocational Instructions in Office Secretaryship, Quash the Same and further Direct the 4th & 5th respondents herein to approve forthwith the appointment of W.Jeyakumari as Vocational Instructor (office Secretaryship) w.e.f., the daste of his appointment viz., 01.07.2008, with salary and all attendant benefits.

<https://hccourtindia.org.in/ResPds/>
Prayer in WP(MD). 7657/ 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 A.Thi.Mu.No.2276/A1/2016 dated 07.10.2016 refusing approval to the appointment of Thiru.E.Ragland Athiysayam as Vocational Instructions (Electrical Machines & Appliances), Quash the Same and further Direct the 4th & 5th respondents herein to approve forthwith the appointment of Thiru. E. Ragland Athiysayam as Vocational Instructor (Electrical Machine and Appliances) w.e.f., the daste of his appointment viz., 12.07.2006, with salary and all attendant benefits.

Prayer in WP(MD). 7658/ 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 A.Thi.Mu.No. 7688/A1/2015 dated 30.12.2015 refusing approval to the appointment of Tmt. A. Celin Mary as Vocational Instructor, quash the same and further direct respondents herein to approve forthwith the appointment of Tmt. A. Celin Mary as Vocational Instructor w.e.f. the date of her appointment viz., 01.12.2015 with salary and all attendant benefits.

Prayer in WP(MD). 7659/ 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.4481/A2/2016 dated 05.10.2016 (refusing approval to the appointment of Thiru.M.Thavidu Raja and P.Elango Stanly Kumar as Vocational Instructors) in the petitioners school quash the same and further direct the 4th & 5th respondents herein to approve forthwith the appointment of M.Thavidu Raja and P.Elango Stanly Kumar as Vocational Instructor's in the Petitioner's School w.e.f., the daste of their respective appointments viz., 02.08.2000 respectively, with salary and all attendant benefits.



Prayer in WP(MD). 7660/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to approve forthwith the appointment of petitioner as Vocational Instructor (Accountancy & Auditing) in the 6th respondent School namely, Devaswom Higher Secondary School, Mondaikadu, w.e.f. the date of appointment viz., 17.01.2006 with salary and all attendant benefits.

For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel for M/s.Isaac Chambers.

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

COMMON ORDER

W.P(MD)Nos.7656 to 7659 are filed seeking to quash the impugned proceedings issued by the fifth respondent, refusing approval to the appointments of W.Jeyakumari; E.Ragland Athiysayam; A.Celin Mary and M.Thavidu Raja & P.Elango Stanly Kumar as Vocational Instructors and further direct the fourth and fifth respondents to approve forthwith the appointments of the said incumbents as Vocational Instructor in the petitioners' school w.e.f. the date of appointment with salary and all attendant benefits. W.P(MD)No.7660 of 2017 is filed seeking to direct the respondents to approve forthwith the appointment of the petitioner as Vocational Instructor (Accountancy and Auditing) in the sixth respondent School with effect from the date of her appointment with salary and all attendant benefits.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

3.The learned senior 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.

3.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:-



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 on the similar lines. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. THE SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 600 009.

2. THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-600 009.

3. THE JOINT DIRECTOR (VOCATIONAL),
COLLEGE ROAD, CHENNAI-600 006.

4. THE CHIEF EDUCATIONAL OFFICER,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

5. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

6. THE CHIEF EDUCATIONAL OFFICER,
TIRUCHY, TIRUCHY DISTRICT.



7.THE DISTRICT EDUCATIONAL OFFICER,
TIRUCHY DISTRICT.

8.THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.

9.THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.

10.THE CHIEF EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

11.THE DISTRICT EDUCATIONAL OFFICER,
THUCKALAY, KANYAKUMARI DISTRICT.

1CC TO THE SPL GOVT PLEADER SR 62723

5CC'S TO M/S. ISAAC CHAMBERS FIRM, SR 62239

1CC TO MR.M. SARAVANAN, ADVOCATE SR 62000

KK
15/05/2019
8P/19C

W.P(MD)Nos.7656 to 7660 of 2017

23.04.2019