

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.19794 of 2007 and
M.P.No.1 of 2008

P.D.Ravi

... Petitioner

Versus

- 1.The Joint Director of School Education,
(Higher Secondary)
College Road,
Chennai-600 006.
2. The Bishop and Manager of Diocese Schools
226, Cathdral Road,
Chennai.
3. The Correspondent
St.Andrew's Higher Secondary School,
Arakkonam,
Vellore District.

... Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for all relevant records pertaining to the order of rejection in proceeding No.Na.Ka.No.107779/W.26/05 dated 13.09.2006 passed by the Joint Director of School Education (Higher Secondary), College Road, Chennai-600 006 and quash the same and consequently direct him to approve the appointment of the petitioner as vocational instructor from the date of his initial appointment on 01.02.2000.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.P.Chinnadurai
Additional Government Pleader
for R1

M/s.FR.A.Xavier Arul Raj,
for R2 and R3

O R D E R

This Writ Petition has been filed challenging the order of rejection in proceeding No.Na.Ka.No.107779/W.26/05 dated 13.09.2006 passed by the Joint Director of School Education (Higher Secondary), College Road, Chennai and quash the same and consequently direct him to approve the appointment of the petitioner as vocational instructor from the date of his initial appointment of the petitioner as vocational instructor from the date of his initial appointment on 01.02.2000.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as a part time vocational instructor on 01.02.2000. at St.Andrew Higher Secondary, School, Arakkonam, Vellore District through the Diocese Employment Recruitment Board. It is further submitted that the petitioner was qualified with Diploma in Mechanical Engineering, AMIE and MBA and as such he is fully qualified to be appointed as vocational instructor. He would further submit that the petitioner was appointed in the regular vacancy caused due to the retirement of one Mr.K.Muthukrishnan on 31.05.1999 on superannuation and thereafter the correspondent vide letter dated 28.02.2000 addressed to the second respondent requested to approve the appointment of the petitioner as vocational instructor and thereafter the Correspondent vide his letter dated 14.07.2000 also requested the same. The learned counsel further added that since the second respondent has not taken any action in this regard, the correspondent had again made representation on 03.01.2003 to the District Educational Officer, Cheyyar to approve the appointment and in the meantime, taking advantage of non approval of the petitioner's appointment, the Head Master, St.Andrew's Higher Secondary School, with ulterior motive and malafide intention to accommodate his sister's son to the above posts started giving problems in one way or other by issuing memos for simple reasons and baseless allegations, thereby compelling the petitioner to go out of employment from August 2004 onwards. It is further submitted that all of a sudden on 18.11.2004 the Head Master had removed his name from the attendance register without any notice, which is highly illegal, arbitrary, unreasonable and being violative of principles of natural justice and therefore left with no other alternative, the petitioner filed Writ Petition in W.P.No.2658 of 2005 seeking for a direction to the Joint Director of School Education to approve the appointment of the petitioner based on the proposal of the second respondent and consequently for a direction to the respondents to regularise his services from the date of his initial appointment. This Court by an order dated 06.04.2006 disposed of the Writ Petition with a direction to the Joint Director of School Education to consider the proposals sent by the second

respondent on 28.02.2000 and 03.01.2003 and pass appropriate orders after giving an opportunity to the concerned within a period of eight weeks. It is further submitted that the Joint Director has passed an order rejecting his claim for approval and also stated that action will be taken against the management vide the proceeding dated 13.09.2006, which is impugned in this Writ Petition. The learned counsel for the petitioner would further submit that the first respondent has failed to consider the Government Order in G.O.Ms.No.6 School Education (VE) Department dated 04.01.2006 framing Adhoc rules for the post of vocational instructor for the Higher Secondary School in and by which qualification have been prescribed and since the petitioner was appointed in the regular post of vocational instructor caused due to the retirement of one Mr.K.Muthukrishnan, the G.O.Ms.No.991 relied on by the first respondent is not applicable to the case of the petitioner and therefore the order passed by the first respondent is liable to be set aside.

3. The learned counsel for the first respondent would submit that the order of rejection passed by the first respondent on 13.09.2006 is not illegal and in G.O.Ms.No.688 dated 20.09.1996, it is clearly stated no appointment should be made as part time vocational teacher in any school, violating this disciplinary action will be taken against those who are making such irregular appointment and despite the said Government Order, the second respondent appointed the petitioner and sent for approval of the said post and the first respondent has rightly rejected the approval and therefore there is no merit in this Writ Petition and the same is liable to be dismissed.

4. Heard both sides. Perused the materials available on record.

5. Though the petitioner is qualified in the post of vocational instructor and even the petitioner was appointed as per G.O.Ms.No.6, School Education (VE) Department dated 04.01.2006, but before that there was G.O.No 680 dated 20.09.1996, as per which no appointment should be made as part time vocational teacher in any school. Even otherwise it has to be seen that subsequently disciplinary proceedings has been initiated against the petitioner and he was terminated from service. As already observed in connected W.P.No.17659 of 2007, there is no violation of principles of natural justice and the decision taken by the Management is approved. Further, though the Government have passed G.O.Ms.No.74 School Education Department dated 10.06.2006, stating that the part time vocational teachers should be brought into regular appointment and fixed the time scale of pay of those who are appointed

before 1996, admittedly the petitioner was appointed only in the year 2000 and therefore the aforesaid Government Order is not applicable to the case of the petitioner. Therefore, there is no merit in this Writ Petition.

6. In view of the same, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

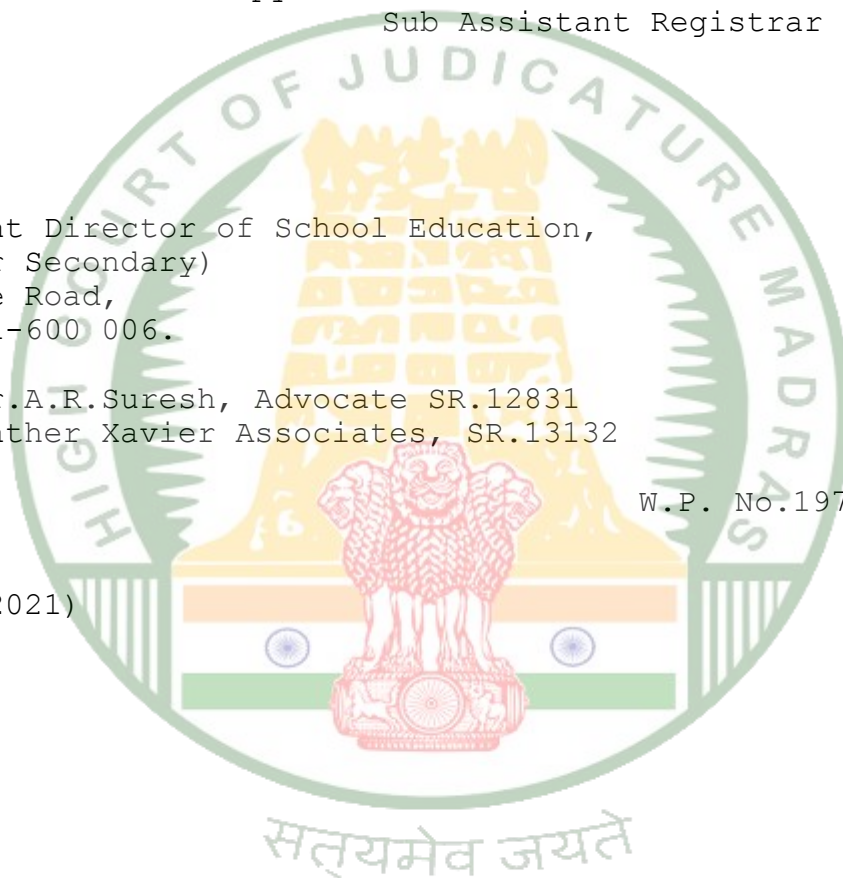
1. The Joint Director of School Education,
(Higher Secondary)
College Road,
Chennai-600 006.

+1cc to Mr.A.R.Suresh, Advocate SR.12831

+1cc to Father Xavier Associates, SR.13132

W.P. No.19794 of 2007

JP(CO)
CB(19/03/2021)



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