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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NOS.19510, 19511, 19512, 19513, 19561, 19575,
19576, 19577 AND 19578 OF 2015

AND

MP NOS.1 TO 1 OF 2015

1.K.Maragathavalli
2.N.Mohana
3.T.Chitra
4.G.Rajkumar
5.K.Palanisamy
6.C.Balamurugan

...Petitioners in WP NO.19510 of 2015

1.M.Durai Sankar
2.T.Maheshkumar
3.M.S.Sivaraman
4.M.Sankar

...Petitioners in WP NO.19511 of 2015

1.K.Parthiban
2.M.Thaviduraja
3.P.Elango Stanley Kumar
4.T.Ponraja Singh
5.C.Sam Pradeep
6.A.Prasad
7.M.Seenivasan

...Petitioners in WP NO.19512 of 2015

1.T.Nanjundan
2.N.K.Mahendran

...Petitioners in WP NO.19513 of 2015

1.S.Kanakambigai
(Orphnage) Sri Saradha Vidhyalaya Hostel
Fairlands, Salem-636 016.

...Petitioner in WP NO.19651 of 2015

1.M.Rajalakshmi

...Petitioner in WP NO.19575 of 2015



1.K.Kannan

...Petitioner in WP NO.19576 of 2015

1.S.Siva Kannan

...Petitioner in WP NO.19577 of 2015

1.A.Balasubramanian

...Petitioner in WP NO.19578 of 2015

Vs.

1.The Government of Tamilnadu
Represented by its Principal Secretary
Education, Science and Technology
(H.S.II) Department
Fort St. George, Chennai - 600 009.

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

...First & Second Respondents in WP Nos.19510,19511,
19512, 19513, 19561, 19575, 19576, 19577 & 19578/2015

3.The Chief Educational Officer
Salem District,
Salem.

...3rd Respondents in WP No.19510 of 2015

3.The Chief Educational Officer,
Erode District, Erode.

...Respondent in WP No.19511 of 2015

3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli

...Respondent in WP No.19512 of 2015

3.The Chief Educational Officer,
Nilagiri District.

...Respondent in WP No.19513 of 2015

3.The Chief Educational Officer,
Salem District, Salem.

4.The District Educational Officer,
Salem District,
Collectorate Buildings, Salem

5.The Correspondent,
Sri Sarada Vidhyalaya Higher Secondary School for Girls,
Fairlands, Salem-636 016.

...Respondents in WP No.19561 of 2015



3.The Chief Educational Officer,
Kancheepuram District, Kancheepuram

...Respondent in WP No.19575 of 2015

3.The Chief Educational Officer,
Ariyalur District, Ariyalur

...Respondent in WP No.19576 of 2015

3.The Chief Educational Officer,
Coimbatore District

...Respondent in WP No.19577 of 2015

3.The Chief Educational Officer,
Tiruppur District, Tiruppur

...Respondent in WP No.19578 of 2015

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to regularise the services of the petitioners are full time Vocational Instructors in terms of G.O.(Ms) No.35, School Education Department, dated 09.02.2007 with effect from initial date of appointment besides pay all the arrears within a short date that may be fixed by this Court with all consequential service benefits such as due placement in the seniority on the basis of length of service and all other allowances attached to the posts.

For Petitioners : Mr.M.Saravanakumar

For Respondents : Mr.C.Selvaraj
Government Advocate

COMMON ORDER

The petitioners are engaged as Vocational Instructors in various Government Higher Secondary Schools by the Parent Teacher Association and continued as such till date. The appointment of these Vocational Instructors were regularised by the Education Department in a phased manner. In such measures adopted by the Government, G.O.Ms.No.35, School Education Department, dated 09.02.2007 came to be issued, wherein it is clearly stated that the Government has issued orders regularising the Vocational Instructors in the appropriate time scale of pay.



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2. In continuation of the same, the Director of School Education has sent three proposals viz.,

(i) The 12 Part Time unqualified Vocational Instructors can be sent for short term training course and were appointed vide G.O.Ms.No.46, School Education Department, dated 12.09.2006.

(ii) In the Government and Government Aided schools, 117 Grade - I posts and 84 Grade - II posts of Vocational Instructors are lying vacant. By promoting these 84 Grade - II Vocational Instructors in the 117 vacancies of Grade - I Vocational Instructors, 201 Grade - II Vocational Instructors posts shall fall vacant.

(iii) There are 662 Part Time Vocational Instructors are working and are paid from the funds of the Parent Teacher Association are working in the posts without sanction of the Government. All these people are fully qualified. Among them, 44 Part Time Vocational Instructors, who have got qualified after 20.09.1996 were also included.

Therefore, the Director of School Education sent a proposal for filling up of all the 201 vacancies in the post of Grade - II Vocational Instructors in the time scale of pay of Rs.4500-125-7000. The Government accordingly permitted the Director of School Education to fill up all these posts.

3. Likewise, another Government Order in G.O.Ms.No.69, School Education Department, dated 20.03.2007 was issued to fill up the vacancies pursuant to the orders of the High Court. In so far as the third proposal sent by the Director of School Education with respect to the 662 Part Time Vocational Instructors is concerned, no decision has been taken yet. The petitioners herein are within those Part Time Vocational Instructors, awaiting regularisation order. Therefore, they approached this Court for regularisation of their services from the date of their initial appointment and for consequential monetary benefits.

4. From the perusal of the materials, it is noted that the Government is taking action in regularising the Part Time Vocational Instructors, who were appointed in the bifurcated Vocational Courses on introduction of 10 + 2 system of education. Initially, most of the Vocational Instructors were appointed through Parent Teacher Association and were paid from the funds of the Parent Teacher Association. After many rounds



of litigations, the respondents are settling all the anomalies and regularising the services of the Vocational Instructors following a particular method of regularisation in Grade - II and Grade - I posts.

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5.It is not in dispute that the petitioners are fully qualified as it is admitted by the Director of School Education in G.O.Ms.No.35, School Education Department, dated 09.02.2007. Therefore, the services of these petitioners shall also be regularised in due course. However, the respondents are directed to expedite the proceedings and pass appropriate orders, in any event, in respect of the petitioners in these writ petitions, within a period of four months from the date of receipt of a copy of this order.

6.The writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Principal Secretary to Government
Government of Tamilnadu
Education, Science and Technology
(H.S.II) Department
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer
Salem District,
Salem.
- 4.The Chief Educational Officer,
Erode District.
- 5.The Chief Educational Officer,
Tirunelveli District.



6.The Chief Educational Officer,
Kancheepuram District.

7.The Chief Educational Officer,
Ariyalur District.

8.The Chief Educational Officer,
Tiruppur District.

9.The Chief Educational Officer,
Nilagiri District.

10.The Chief Educational Officer,
Coimbatore District

11.The District Educational Officer,
Salem.

+9ccs to Mr.M.Saravanakumar, Advocate Sr No.35663 to 35671
+1cc to Government Pleader Sr No.35625

WP NOS.19510, 19511, 19512, 19513, 19561, 19575,
19576, 19577 AND 19578 OF 2015

NR (CO)
PR (13/09/2021)