

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.04.2021

PRONOUNCED ON : 28.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.2721 OF 2015

A.Vijaya

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai-600 009.
2. The Joint Director of School Education,
Secondary Education,
College Road, Chennai-6.
3. The District Educational Officer,
Tiruchirrapalli.
4. The Correspondent,
St.Mary's Higher Secondary School,
Samaria, Manaparai-621 306,
Trichy District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to conduct three months training to the petitioner and absorb her as Full Time Craft Teacher as per the G.O.Ms.224 (Education, Science and Technology) Department, dated 24.03.1994 and G.O.Ms.No.752 (Education, Science and Technology) Department dated 18.10.1996 and pay time scale and all other monetary benefits from the date of absorptions of similarly placed teachers within a time frame as fixed by this Court.

For Petitioner : Mr.L.Chandrakumar
for Mr.R.Kamaraj

For Respondent : Mr.S.Suresh Kumar, GA
Nos.1 to 3

O R D E R

The present Writ Petition is heard through Video Conferencing on 26.04.2021.

2. Heard Mr.R.Kamaraj, learned counsel appearing for the petitioner and Mr.S.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents 1 to 3.

3. The petitioner herein was appointed as a part time Pre Vocational Instructor (Craft Teacher) on 01.07.1991 in the fourth respondent's school on a consolidated monthly pay of Rs.1,625/-. By virtue of G.O.Ms.No.224, (Education, Science and Technology) Department, dated 24.03.1994 and G.O.Ms.No.752, (Education, Science and Technology) Department, dated 18.10.1996, the qualified part time craft teachers employed in the State were ordered to be absorbed as Full Time Pre Vocational Instructors, subject to the condition that they shall not claim seniority as that of Secondary Grade Teachers. The Government Order also requires such part time Pre Vocational Instructors to undergo three months training course in the District Institute Educational Training of various Districts. The grievance of the petitioner is that though several representations were made to the official respondents, both by the fourth respondent's school as well as the petitioner, she was neither subjected to the three months training course, nor absorbed as a Full Time Pre Vocational Instructor.

4. It is not in dispute that the petitioner was appointed as a Part Time Pre Vocational Instructor on 01.07.1991. Neither is the petitioner's qualification of SSLC and TTC Course (Sewing) disputed. As such, the petitioner possesses the required qualifications to be absorbed as a Full Time Pre Vocational Instructor.

5. Though G.O.Ms.224, (Education, Science and Technology) Department, dated 24.03.1994, mandates the authorities to subject the Part Time Pre-Vocational Instructors to undergo the three months training course, the respondents herein had not subjected the petitioner to the training course. The only reason assigned in the counter affidavit for not extending the training course to the petitioner is that the petitioner herein, had not completed five years of service as on 24.03.1994, which is the date of passing of G.O.Ms.No.224. I am not in agreement with such a reasoning. G.O.Ms.No.224 dated 24.03.1994, specifically provides for extending training to Part Time Pre Vocational Instructors, in the third phase, as and when they complete the five years period. As such, there was a duty cast on the respondents to extend the training to the petitioner after 01.07.1996, on which date the petitioner would have

completed five years of service. However, though the Government Orders referred above facilitate absorption of the Part Time Pre Vocational Instructors on Full Time basis on completion of five years of service, the second respondent had slept over the matter by not conducting the training and thereby constraining the petitioner to be on a meagre consolidated payment for almost 30 years.

6. The fourth respondent school had also submitted their proposals in the required format on 26.06.1999, pursuant to which, the third respondent herein had also sent a favourable proposal to the second respondent, through their proceedings dated 16.08.1999 and the subsequent reminder dated 25.01.2011. There is absolutely no explanation as to the inaction on the part of these official respondents and even in the counter affidavit, not a single reason has been assigned for dis-entitlement of the petitioner's absorption as a Full Time Pre Vocational Instructor.

7. In normal circumstances, it would have been appropriate to direct the respondents to conduct the three months training for the purpose of absorption of Full Time Pre Vocational Instructors. However, the fact remains that the petitioner has been serving as a Pre Vocational Instructor for almost 30 years. The very purpose of these short term training courses is to develop the skill of such Pre Vocational Instructors. By taking into account, the length of service the petitioner had put in, no useful purpose would be served if the petitioner is further subjected to a training, since the skill would have already accrued on her, during the course of her lengthy service.

8. Since the petitioner herein possesses the required essential qualifications for absorption as a Full Time Pre Vocational Instructor and also since this Court has observed earlier that she need not undergo three months training, it would be appropriate to direct the authorities to pass necessary orders for absorbing the petitioner on Full Time basis. In view of the fact that the proposal for absorbing the petitioner on Full Time basis has been sent by the fourth respondent school on 26.06.1999, which is acknowledged by the third respondent herein in his proceedings in Na.Ka.No.5648/A5/99 dated 16.08.1999, the petitioner herein would be entitled for absorption with effect from 26.06.1999. However, the petitioner will not be entitled to claim any seniority as a Secondary Grade Teacher, in view of the clarification issued under G.O.Ms.No.752, dated 18.10.1996.

9. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to pass necessary orders, granting the post of Full Time Pre Vocational Instructor (Craft Teacher) to the petitioner, with effect from 26.06.1999.

However, the petitioner shall not be entitled to claim seniority as that of Secondary Grade Teachers. The respondents herein, shall disburse the difference of the salaries payable to the petitioner in the cadre of a Full Time Pre Vocational Instructor, atleast within a period of three months from the date of receipt of a copy of this order. The Writ Petition stands allowed accordingly. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Secretary to Government,
Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai-600 009.
2. The Joint Director of School Education,
Secondary Education,
College Road, Chennai-6.
3. The District Educational Officer,
Tiruchirrapalli.

+3cc to Mr.R.Kamaraj, Advocate, S.R.No.25790, 25474, 18235
+1cc to Government Pleader, SR.No.26751

सत्यमेव जयते

W.P.No.2721 of 2015

GP(CO)
CS/06/07/2021

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