



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

W.A. No. 1927 of 2021

&

C.M.P. No. 12488 of 2021

1. State of Tamil Nadu,
rep.by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
2. Director of School Education,
Chennai - 6.
3. Teachers Recruitment Board,
rep. by its Chairman,
Chennai -6. ..Appellants/Respondents 1 to 3

Vs.

1. M. Umamaheswari ..1st Respondent/Petitioner
2. Headmaster,
Corporation Higher Secondary
School,
118, K.R.Koil Street,
West Mambalam,
Chennai - 600 033. ..2nd Respondent/4th Respondent

Prayer: Writ Appeal as against the order dated 08.03.2019 passed in W.P. No. 26369 of 2009 on the file of the Hon'ble High Court.

Prayer in W.P. No. 26369/2009:

Writ Petition filed under Article 226 of the Constitution of India, directing the Respondents to extend the benefit of regularisation of services of the Vocational Teachers appointed by the Parent Teachers Association in other subject to the Petitioner who is Computer Teachers which is vocational subject and to regularise the services of the Petitioner as Computer Teacher.

For Appellants :: Mr.K.V. Sajeew Kumar,
Govt. Counsel



For Respondents:: Mr.P. Ganesan for
M/s.C.S. Associates for R1
No appearance for R2

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J U D G M E N T

(Judgment of the Court was delivered by S. VAIDYANATHAN, J.)

The present writ appeal has been filed challenging the order dated 08.03.2019 passed in W.P. No. 28369 of 2009.

2. Before the learned Single Judge, it was conceded that the issue was covered by the earlier order of this Court, which made the learned Single Judge to pass an order on similar lines thereby extending the benefit of G.O.Ms.No. 35 School Education Department dated 09.02.2007 to the respondent/writ petitioner.

3. However, the learned Government Counsel for the appellants would submit that the said Government Order is applicable only to Higher Secondary Schools of Government and Aided Schools and not to Corporation Schools. Further, he would submit that the Corporation of Chennai, under whose control, the 2nd respondent school comes, was also not made a party to the writ proceedings. He also brought to the notice of this Court that there is yet another judgment dated 01.12.2020 of this Court in W.A. No. 995 of 2020 wherein it was held that G.O.Ms. No.35 dated 09.02.2007 is applicable only to vocational instructors as per the Government Order and that it applies only to Government Schools and Government Aided Schools.

4. Whether the concession was made before the learned Single Judge or not cannot be called in question in this writ appeal. Even assuming such a concession had been made, whether it was an erroneous concession or not is a matter to be decided only by the learned Single Judge, who passed the impugned order and this Division Bench cannot go into the genuinity of the statement now made across the bar. Hence, we are not inclined to interfere with the order passed by the learned Single Judge and the writ appeal stands dismissed. However, it is made clear that this order will not preclude the appellants from preferring a review petition before the learned Single Judge, if so advised. No costs. Connected C.M.P. is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar



nv

To

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1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 9.
2. Director of School Education,
Chennai - 6.
3. The Chairman,
Teachers Recruitment Board,
Chennai -6.

+1 CC to The Government Pleader sr 51266.

W.A. No. 1927 of 2021

SJ(CO)
SP(26/10/2021)