



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.9345 of 2012

WEB COPY

J.Ignatius Jeyakumar

... Petitioner

Vs.

1.The Director of Elementary Education,
Chennai.

2.The District Elementary Educational Officer,
Tiruneveli, Tirunelveli District.

3.The Assistant Elementary Educational Officer,
Vasudevanallur, Tirunelveli District.

4.The Correspondent,
Raja Singh Middle School,
South Chatram, Sivagiri Taluk,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.31131/L1/2010, dated 26.05.2011 and quash the same and consequently direct the respondents herein to upgrade the petitioner as Full Time Craft Teacher and to pay Higher Grade Scales of Pay with effect from 01.06.1988 in the fourth respondent School and to extend all service and other monetary benefits.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for R.1 to R.3

* * * * *

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.31131/L1/2010, dated 26.05.2011 and quash the same and consequently direct the respondents herein to upgrade the petitioner as Full Time Craft Teacher and to pay Higher Grade Scales of Pay with effect from 01.06.1988 in the fourth respondent School



and to extend all service and other monetary benefits.

2. The case of the petitioner is that the petitioner was appointed as part-time Crafts Teacher in the fourth respondent School on 01.06.1988. At the time of his appointment, the qualification prescribed for the post of part-time Crafts Teachers was VIII Standard and should possess Technical Teacher's Certificate in Wood work and the petitioner was fully qualified at the time of appointment. Though on the date of his appointment, the petitioner was fully eligible to be appointed as full time Craft Teacher, the petitioner was appointed as part-time Craft Teacher and by proceedings dated 30.07.1991, the District Educational Officer, Tenkasi has approved his appointment as part-time Craft Teacher.

3. The petitioner would further aver that though the part-time teachers, who are having requisite qualification along with Technical Teacher's Certificate, are fully eligible to be upgraded as full-time Craft Teacher, the Government passed a Government Order in G.O.Ms.No.224, dated 24.03.1994 and imposed stringent condition that the part-time Craft Teachers should undergo a three months refresher course for being allowed to draw the full time Craft Teachers scale of pay.

4. Pursuant to the above said Government Order, the petitioner underwent three months short term refresher course from 01.08.1996 to 31.10.1996, however, he did not pass the examination. Further, he made repeated representations to the respondent for conducting supplementary examination to regularise his service. However, no action was taken by the respondents. Therefore, the Tamil Nadu Craft Teachers Association filed a Original Application in O.A.No.9553 of 1998, before the Tamil Nadu Administrative Tribunal, to regularise the services of the petitioner herein and the members mentioned in the Original Application with effect from the date of their initial appointment with all attendant and monetary benefits. Since the abolition of the Tribunal, the matter was transferred to this Court and renumbered as W.P.No.34123 of 2006 and this Court, vide order dated 04.02.2010, disposed of the same by directing the authority concerned to dispose of the representation submitted by the Association.

5. Pursuant to the order of this Court, the fourth respondent forwarded the petitioner's approval paper to the first respondent, on 17.05.2010 and the petitioner also sent a representation to the first respondent through proper channel and requested the first respondent to regularise his services as full time Craft Teacher with effect from 01.06.1988. However, the first respondent refused to approve the appointment of the petitioner as full time Craft Teacher as per G.O.Ms.No.224, dated 24.03.1994, on the ground that the petitioner had not passed the three months Refresher Training Course. Challenging the same, the present Writ Petition is filed by

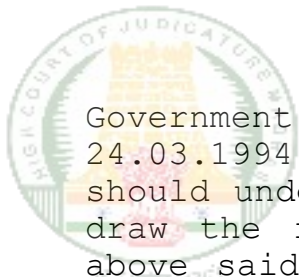


6. Learned Counsel appearing for the petitioner would submit that the minimum qualification to the post of Craft Teacher is SSLC and they must possess the Technical Teacher Certificate, however, contrary to the rules, the persons who have possessed 8th standard and Technical Teacher Certificate were appointed and their services were regularised. Thereafter, the Government realised the mistake and gave one time measure and issued G.O.Ms.No.224, dated 24.03.1994, and imposed stringent condition that part time Craft Teachers should undergo a three months refresher course and if they passed the examination, their services would be regularised. Though the petitioner underwent three months short term refresher course, he did not pass the examination. Thereafter, he reached the age of superannuation. The learned Counsel would further state that as per Section 48 of the Tamil Nadu Private Schools (Regulations) Act, the Government vested with power for relaxing the qualification to approve the appointment of the petitioner as full time Craft Teacher and however, the Government, in the present case, has done such exercise. He would further pray that the petitioner's services may be regularised as Full Time Craft Teacher for the purpose of receiving pensionary benefits. Accordingly, he would pray for appropriate orders.

7. Per contra, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the minimum qualification required to craft teacher is SSLC along with Technical Teacher's Certificate. In the present case, the petitioner possessed only 8th standard along with Technical Teacher's Certificate in wood work, which is not sufficient to hold the post of Craft Teacher. Further the Government issued a Government Order in G.O.Ms.No.224, dated 24.03.1994 and imposed stringent condition that part time craft teachers should undergo the three months refresher course for being allowed to draw the full time craft teachers scale of pay. Since the petitioner has not completed the said refresher training course, he is not entitled to get regularisation as full time craft teacher. Accordingly, he would pray for dismissal of the writ petition.

8. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

9. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as part-time Craft Teacher in the fourth respondent School in the year 1988. At the time of his appointment, the qualification prescribed for the post of part-time Crafts Teachers was VIII Standard and should possess Technical Teacher's Certificate in Wood work and the petitioner has also possessed the said qualification and by proceedings dated 30.07.1991, the District Educational Officer, Tenkasi has approved services of petitioner as part-time Craft Teacher. Subsequently, the



Government passed a Government Order in G.O.Ms.No.224, dated 24.03.1994 and imposed condition that the part-time Craft Teachers should undergo a three months refresher course for being allowed to draw the full time Craft Teachers scale of pay. Pursuant to the above said Government Order, the petitioner underwent three months short term refresher course from 01.08.1996 to 31.10.1996, however, he did not pass the examination. In the meantime, the petitioner sent a representation to the first respondent through proper channel and requested the first respondent to regularise his services as full time Craft Teacher with effect from 01.06.1988 and since the petitioner had not passed the three months Refresher Training Course, the first respondent refused to approve the appointment of the petitioner as full time Craft Teacher as per G.O.Ms.No.224, dated 24.03.1994.

10. The impugned order in the present writ petition is passed only based on G.O.Ms.No.224, dated 24.03.1994. As per the said Government Order, the petitioner should complete and pass the three months Refresher Training Course. However, the petitioner did not pass the said Refresher Training Course. Therefore, the petitioner is not entitled to get any relief as sought for by him.

11. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of Elementary Education,
Chennai.

2.The District Elementary Educational Officer,
Tiruneveli, Tirunelveli District.



3.The Assistant Elementary Educational Officer,
Vasudevanallur, Tirunelveli District.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-5237[F] dated
15/02/2021)

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+1 CC to M/s.SPL GP (SR-5358[F] dated 16/02/2021)

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MJ(CO)
KK(18.03.2021) 5P 6C