



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.7834 of 2021

S.Arulraj

... Petitioner

-Vs-

1.The Government of Tamilnadu,
Represented by its Secretary,
Education, Science and Techonology,
(H.S.II), Department,
Madras-9.

2.The Director of School Education,
College Road,
Madras-6.

3.The Joint Director of School Education,
Vocational Education,
Madras-6.

4.The Chief Educational Officer,
Tiruppur District,
Tiruppur.

5.The Head Master,
KSC Government Higher Secondary School,
Tiruppur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to absorb the petitioner as full time Vocational Instructor Grade II as per seniority and to pay the time scale in accordance with G.O.Ms.No.35, dated 09.02.2007.

For Petitioner	: Mrs.Lakshmi Gopinathan for M/s.Polax Legal Solutions
For Respondents	: Mr.C.M.Mari Chelliah Prabhu Additional Government Pleader

ORDER

This Writ Petition is filed to direct the respondents to absorb the petitioner as full time Vocational Instructor Grade II, as per seniority and to pay the time scale in accordance with G.O.Ms.No.35, School Education Department, dated 09.02.2007.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of
<https://hcservices.ecourts.gov.in/hcservices/>



both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, the Parent-Teacher Association of the fourth respondent School passed a resolution appointing the petitioner as Part Time Vocational Instructor in the fourth respondent School on consolidated pay on 13.07.2000. The first respondent had regularised the Vocational Instructors appointed by the Parent-Teacher Association on various occasions. In the year 2010, the third respondent, by proceedings, dated 08.07.2010, in Na.Ka.No.13758/VI/E1/2010 has stated that the Vocational Instructors, who are fully qualified, to attend for certificate verification. The petitioner also participated in the said certificate verification conducted on 13.07.2010. The third respondent had found that 271 Vocational Instructors are fully qualified and by another proceedings, dated 28.09.2018 had found that 171 Vocational Instructors are fully qualified. Further, by another proceedings in Na.Ka.No.13758/VI/E1/2010, dated 13.01.2020 the third respondent proposed to conduct certificate verification for the 171 Vocational Instructors and due to COVID-19 Pandemic situation, the third respondent directed the concerned Chief Educational Officers to conduct the certificate verification and forward the same in the appropriate form to him. As per the direction of the third respondent, the concerned Chief Educational Officers, conducted certificate verification and forwarded the same to the respondents 2 & 3. On receiving the report from the concerned Chief Educational Officers, the second respondent by proceedings, dated 29.10.2020, forwarded the list of persons, who are qualified, to the first respondent, for approval. In the said proceedings, the petitioner's name was found in Serial No.60. The first respondent instead of regularising the service of the petitioner, had regularised the service of the persons with lesser qualifications, in the guise of the order of this Court. Hence, the petitioner has come out with the present Writ Petition.

4. From the proceedings of the second respondent, dated 29.10.2020, in Na.Ka.No.13758/VI/E1/2013, it is seen that the second respondent has sent the particulars of Vocational Instructors required by the first respondent, for approval. In the said proceedings, the second respondent enclosed the list of qualified persons and the petitioner's name was also found in Serial No.60 in the said list. In spite of the same, the first respondent has not passed any orders till date.

5. Considering the nature of relief sought for in the Writ Petition, without deciding the issues on merits, it is suffice to direct the first respondent to consider the name of the petitioner for regularisation which is in serial No.60 in the proceedings of the second respondent, dated 29.10.2020 and pass orders on merits and in accordance with law, within a period of twelve weeks from the

<https://hccivice.com/fits/gov-in/bcs/ptcs> of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Education, Science and Technology,
(H.S.II), Department,
Madras-9.
2. The Director of School Education,
College Road,
Madras-6.
3. The Joint Director of School Education,
Vocational Education,
Madras-6.
4. The Chief Educational Officer,
Tiruppur District,
Tiruppur.
5. The Head Master,
KSC Government Higher Secondary School,
Tiruppur.

+1 CC to M/s.SPL GP (SR-15993[F] dated 16/04/2021)

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-16164[F] dated 17/04/2021)

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