



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.8768 of 2021

WEB COPY

S.Manimaran

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by its Secretary,
School Education Department, Chennai-09.

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

3.The Joint Director of School Education,
(Vocational) Chennai-600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to regularize the petitioner's service as a Vocational Instructor in any one of the Government Schools from the date of regularization of the petitioner's juniors as Vocational Instructor and to provide the petitioner's salary and other service benefits from the date of such regularization considering the petitioner's representation, dated 22.03.2021.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.K.S.Selvaganesan
Government Pleader

ORDER

The petitioner has filed this writ petition for a direction to the respondents to regularize the petitioner's service as a Vocational Instructor in any one of the Government Schools from the date of regularization of the petitioner's juniors as Vocational Instructor and to provide the petitioner's salary and other service benefits from the date of such regularization considering the petitioner's representation, dated 22.03.2021.

2. Learned counsel for the petitioner submitted that the petitioner is a Diploma holder in Electronics and Communication Engineering and he was appointed as Part Time Vocational Instructor in the year 2000. The Government on earlier two occasions viz., in the year 1990 and 1996, regularized 2958 Part Time Vocational Instructors, who were appointed prior to 16.07.1990 and 361 persons, who were appointed prior to 20.09.1996 respectively. Subsequently,



in the year 2007, the Government issued G.O.(Ms)No.35, School Education Department, dated 09.02.2007, for absorbing 201 temporary vocational instructor in 201 vacancies. In the year 2010, with intention to regularize the temporary vocational instructors, the second respondent issued proceedings, dated 08.07.2010 for conducting the certificate verification of the candidates working as temporary Vocational Instructor. The petitioner's certificate was also verified by the Chief Educational Officer, Thanjavur. Subsequently, the said list was forwarded to the respondents 2 & 3 by the Chief Educational Officer, Thanjavur. Again, the first respondent on 26.10.2012 called for the report from the second respondent for regularization of the temporary Vocational Instructor. The second respondent by the communication, dated 12.03.2013 sent a report to the Government enclosing 271 temporary Vocational Instructors, who are having qualification for regularisation. On the instructions of the Government to regularize the temporary Vocational Instructors, the third respondent by the proceedings dated 28.09.2018 once again, called 271 candidates for certificate verifications. The petitioner once again appeared before the Chief Educational Officer, Thanjavur and submitted his certificates. The third respondent through the proceedings dated 13.01.2020, called for certificate verification. By the said time, the total number of candidates was reduced to 171 from 271 as many candidates left the job. According to the petitioner, in the year 2016, he filed a writ petition in W.P.(MD) No.13536 of 2016 for a direction to the third respondent to consider his representation, dated 15.06.2016 and regularize the serve and pay time scale of pay. This Court, by order dated 29.07.2016, directed the third respondent to consider his representation dated 15.06.2016 for regularization. Thereafter, the third respondent, by letter dated 13.10.2016, informed that the Government has rejected the proposal on 01.06.2015. According to the petitioner, even thereafter, on the instructions of the Government, the second respondent conducted certificate verification in the years 2018 and 2020 with an intention to regularize the services of the petitioner and others. The petitioner came to know that the respondents regularized four candidates, who are juniors to the petitioner and were appointed in the year 2004. According to the petitioner, M.Mohan, M.Palani, G.Ramadoss and R.Santhosh Kumari, did not have the adequate qualifications and he gave representation on 22.03.2021 to regularize his service and has come out with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. From the above materials, it is seen that the petitioner was appointed as Part time Vocational Instructor in the year 2000 and the Government regularized a large of number of Part Time Vocational Instructors. The petitioner was called for certificate verification in the year 2018 and 2020. The petitioner was called



for certificate verification even though his representation for regularisation was rejected in the year 2016.

5. Considering the above facts that the petitioner was called for certificate verification on two occasions, especially, in the year 2018 and 2020 and his certificates were verified and list is forwarded to the respondents 2 & 3 by the Chief Educational officer, Thanjavur, it will be in the interest of justice, this Court directs the respondents to consider the representation of the petitioner, dated 22.03.2021 in the light of the Government Order in G.O.(Ms) No.80, School Education Department, dated 15.09.2020 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

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To

- 1.The Secretary,
The Government of Tamilnadu,
School Education Department, Chennai-09.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Joint Director of School Education,
(Vocational) Chennai-600 006.



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+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-19499[F] dated 17/06/2021)

+1 CC to M/s.SPL GP (SR-19543[F] dated 17/06/2021)

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