



WEB COPY



WP No.18604 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.18604 of 2018
And
WMP No.21945 of 2018**

S.Ramachandran

..

Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
School Education,
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Erode District.
- 4.The Headmaster,
Government Boys Higher Secondary School,
Sathiamangalam,



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Erode District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents particularly Director of School Education, Chennai-600 006 and the Chief Educational Officer, Erode, the Hadmaster Government Boys Higher Secondary School, Sathiamangalam, Erode the respondents 2 to 4 to regularise the services of the petitioner as permanent Vocational Instructor with effect from 13.06.2001 in their Department with all monetary benefits from the date of the initial appointment of the petitioner till today.

For Petitioner

: Mr.L.Ramkumar for
Mr.K.Balakrishnan

For Respondents

: Ms.S.Mythreye Chandru,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to regularise the services of the writ petitioner as permanent Vocational Instructor with effect from 13.06.2001.

2. The petitioner states that he is the Diploma holder in Electrical and Electronic Engineering and was appointed as Vocational Instructor by the Parents and Teachers Association on 13.06.2001 in Government Boys Higher



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Secondary School, Sathiamangalam. The petitioner states that he was handling the subject in Electrical Motor Rewinding in the above School.

3. The petitioner has been continuously working as Vocational Instructor in the fourth respondent-School. Therefore, he made request to the Authorities concerned to regularise his services in the sanctioned post. Since the said request was not considered, the petitioner is constrained to move the present writ petition.

4. The learned counsel for the writ petitioner made a submission that the petitioner has been working continuously as Vocational Instructor and thus his services are to be regularised in the sanctioned post in the regular time scale of pay.

5. The learned Special Government Pleader, appearing on behalf of the respondents, objected the contentions raised on behalf of the petitioner by stating that the petitioner was not appointed in accordance with the Recruitment Rules in force in the sanctioned post.



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6. The petitioner was appointed as Vocational Instructor by the Parents and Teachers Association on temporary basis and therefore, he was not an employee of the Education Department and thus the question of regularising the services of the writ petitioner would not arise at all.

7. Admittedly, the petitioner was appointed as Vocational Instructor by the Parents and Teachers Association. The Parents and Teachers Association is a Private Body constituted for the purpose of coordination with the Parents and Teachers for the betterment of the children studying in the school.

8. The Teachers appointed by the Parents and Teachers Association are paid from the funds maintained by the Association and they are not receiving the Government salary. Therefore, they are not Government employees at all.

9. That apart, the petitioner was not appointed in a sanctioned



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post by the Competent Authorities in accordance with the Recruitment Rules in force. Thus the Department cannot regularise the services of the writ petitioner in the sanctioned post. The petitioner cannot made an attempt to enter into Government Service through back door entry, as his initial appointment was not made by the Competent Appointing Authority of the Education Department. Thus the very claim set out by the writ petitioner is untenable.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

02-11-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

1. The Principal Secretary,
Government of Tamil Nadu,
School Education,
Fort St. George,

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Chennai – 600 009.



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S.M.SUBRAMANIAM, J.

Svn

- 2.The Director of School Education,
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