



W.P.No.28467 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28467 of 2017

Prabha

...Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
Chennai – 600 006.
- 3.The Joint Director of Elementary Education,
(Aided Schools)
Chennai – 600 006.
- 4.The District Elementary Educational Officer,
Vellore District,
Pin Code – 632 004.
- 5.The Additional Assistant Elementary Educational
Officer,
Sholingar Range,
Vellore District,
Pin Code – 631 102.



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6.The Correspondent,
Dr.S.Radhakrishnan Aided Middle School,
Pethanaickenpalayam,
Ponnai Post – 632 514,
Sholingar Range,
Vellore District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 5 herein to regularize the services of the petitioner in the post of Vocational Instructor (Tailoring) with effect from November 2005 and with consequent attendant and retirement benefits within a stipulated period.

For Petitioner : Ms.J.T.Ajitha
For M/s.K.Govi Ganesan

For R1 to R5 : Mrs.S.Mythreyechandru
Special Government Pleader

For R6 : No appearance

ORDER

The relief sought for in the present writ petition is for a direction to direct the Respondents 1 to 5 to regularize the services of the petitioner in the post of Vocational Instructor (Tailoring) with effect from November 2005 and with consequent attendant and retirement benefits within a stipulated period.



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2. The petitioner filed the present writ petition, after reaching the age of Superannuation. The petitioner states that she was appointed as Vocational Instructor (Tailoring) in the 6th respondent Aided Middle School on 22.06.1983 on part-time basis. The petitioner states that she is fully qualified to hold the post of Vocational Instructor (Tailoring) as per the rules. However, her appointment was not approved and therefore, she is deprived of her service benefits including terminal and pensionary benefits due to her.

3. The petitioner states that she underwent Technical Training Course (TTC) and completed the same during the month of November 2005. The Government conducted three months TTC course and she underwent the said course at Government Women Higher Secondary School, Arni during the period from 25.07.2005 to 24.10.2005 and successfully completed the certificate course. The petitioner states that she had underwent all the requisite training courses and became fully qualified as per the Government orders in force. She made a request to the 6th respondent to regularize her services from the date of completion of TTC certificate during the year



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2005. The 6th respondent forwarded a proposal to the competent authority for the purpose of approving the appointment of the writ petitioner.

However the benefit of approval of appointment was not granted to the writ petitioner and therefore, she is constrained to move the present writ petition.

4. The learned Special Government Pleader appearing on behalf of the Education Department objected the said contention by stating that the petitioner was found not qualified for regular appointment to the post of Vocational Instructor (Tailoring). The petitioner has not completed the requisite three months training course as contemplated by the Government in its order. Thus, her appointment was not approved by the competent authorities of the Education Department.

5. With reference to the said submission, it is relevant to extract the counter affidavit filed by the 4th respondent, which reads as under:

“4. It is submit that the as per G.O.Ms.No.753, Education Department dated 16.07.1985 and G.O.Ms.No.59, SE(M1) Department dated 12.06.2004, the qualification in the post of Vocational Teacher Tailoring full time (or) Part time



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as follows:

General Education-S.S.LC., Passed October-1998

Vocational Qualification: A Certificate in Needle Work and Dress Making (higher Grade) and Embroidery (Higher Grade) and Technical Teacher Certificate or A Diploma in Costume Designing and Dress Making issued by the Board of Technical Education and Training, Chennai or Industrial School Certificate and Technical Teachers Certificate.

5. It is submitted that the Government Order No.224, Education Department dated 24/03/1994 was permitted 500 full time / part time Vocational Teacher with qualification prescribed in that post are undergoing to 3 month Secondary Grade Teacher Training in district Institute of Education Training District.

6. It is submitted that as per G.O.Ms.No.753, Education Department dated 18/10/1996, stated that 173 part time teachers are permitted to converted to concert as full time teachers posts who are qualified in SSLC, Teacher Certificate and Technical Teacher Certificate on the scale of pay Rs.200-30-1560-40-2040. Further who are qualified with Teacher Certificate with Teacher Technical Certificate persons in the scale of pay Rs.950-70-1150-4500 as the case may be.



7. It is submit that as per G.O.Ms.No.243, Education department dated 28/05/1997, permitted 160 Part time vocational teacher to under go 3 months SGT Training course in the DIET in their own district and they were absorbed as full time Vocational teachers and the details of the absorbed Vocational Teachers were given below:

Category of Schools	10th passed with TTC Scale of Pay 1200-2040	VIII Passed with TTC Scale of Pay 950-1500	Total
Panchayat Union	67	6	72
Aided	81	6	87
Total	148	12	160

8. It is submit that based on the above said Government orders, the person should completed three months Secondary Grade Training Course in District Institute of Education Training to absorbed to the full time Vocational Teachers. In this case the petitioner has not completed the 3 month Secondary Grade Training Course. But the 6th Respondent School has regularized the petitioner as full time Vocational Teacher without following the said government orders and the proposal has been forwarded to the Respondent to regularize the post of the petitioner.

9. It is submitted that, on receipt of the proposal sent by



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the 6th Respondent school, the 4th Respondent rejected the same vide Na.Ka.No.69/A4/2008, dated 28/02/2014 because of the petitioner not completed 3 months course in Secondary Grade Training Course. The petitioner has not submitted the DIET certificate, till her retirement on 31/07/2017. Hence as per the said Government orders, the Respondent not in position to approve the appointment in the post of Full time Vocational Teacher without complete three months course in Secondary Grade Training Course.”

6. The official respondents have clearly stated that the proposals submitted by the 6th respondent was rejected on 28.02.2014 itself since the petitioner had not completed three months course in Secondary Grade training course. The petitioner has not submitted the DIET certificate till her retirement on 31.07.2017. Thus, the respondents were not in a position to approve the appointment of the writ petitioner in the sanctioned post of Vocational Teacher as the petitioner was found not qualified to hold the post as per the Government rules in force.

7. Regularization and permanent absorption are to be granted strictly



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in accordance with the rules. Irregular and illegal appointments cannot be regularized in violation of the rules. The 6th respondent / Aided School submitted a proposal to the competent authorities for the purpose of granting approval of appointment to the writ petitioner. The authorities, on scrutinization, found that the petitioner did not possessed the requisite qualification of three months course in Secondary Grade Training and further, she had not submitted the DIET certificate, which is to be issued by the Directorate of Elementary Education. When the petitioner did not possess the requisite qualification, she is not entitled for approval of appointment as such sought for in the present writ petition.

8. Accordingly, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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