



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.6921 of 2010

and

M.P. (MD)Nos.1 and 2 of 2010

A.Alagusundaram Memorial Middle School,
Rep. by its Secretary, Mr.A.K.S.Manoharan
No.26, B&C, Traveller's Bungalow Road,
Madurai - 625 010.

... Petitioner

versus

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Madurai District,
Madurai - 625 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order in Na.Ka.No.2911/A3/09 dated 06.04.2010 passed by the second respondent and quash the same as illegal, arbitrary without jurisdiction and against all principles of natural justice and permit the petitioner to fill the post of Pre Vocational Instructor.

For Petitioner : Mr.K.Muralidharan

For Respondents : Mr.N.Ga.Nataraj,
Government Advocate

ORDER

The writ petition is filed as against the order of the second respondent dated 06.04.2010. By the order impugned in this writ petition, a request to grant permission to fill up the post of Pre Vocational Instructor in the petitioner School was rejected by the second respondent.



2. The petitioner School was originally established as Kalaimani Middle School by one A.Alagusundaram on 01.06.1953 with an aim to serve the economically backward people. Thereafter, the name of the School was changed as A.Alagusundaram Memorial Midle School, which was approved by the second respondent, by his proceedings dated 20.10.1994. The petitioner School has been given 7 sanctioned post including one pre vocational instructor. During the year 2009, the post of Pre Vocational Instructor fell vacant, when one Mrs.Kalaimani, who was working as Pre Vocational Instructor, retired from service on 31.05.2009. Therefore, the petitioner School made a request to the second respondent to grant permission to fill up the vacant post of Pre Vocational Instructor. However, the second respondent, by order dated 06.04.2010, refused to give permission to fill the post of Pre Vocational Instructor. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that since the second respondent has approved the said post for the year 2009-2010 by his order in Na.Ka.No.4102/A2/09 dated 19.01.2010, the second respondent ought to have granted permission to the petitioner School to fill the post of Pre Vocational Instructor, as per G.O.Ms.No.525 dated 29.12.1997 and not based on the officials instructions issued by the first respondent in Ne.Mu.Na.Ka.No.15880/d1/2006 dated 02.06.2006. Therefore, he prayed for allowing the writ petition.

4. The learned Government Advocate appearing for the respondents submits that the school's teacher strength is fixed as per the norms in G.O.Ms.No.525 Education Dated 29.12.1997 which is in force now. The specialist teachers like Pre Vocational Instructor does not come under this purview. The girl student strength in Standards VI to VIII should be 150 and above for engaging a Pre Vocational Instructor. But, the petitioner School has the strength of girl student strength as 51 in Standards VI to VIII. Hence the petitioner School is not eligible for a Pre Vocational Instructor. The learned Government Advocate further submits that now, the pattern of syllabus has been changed and as per the new syllabus, there is no need to teach Pre Vocational Subject and therefore, there is no necessity for the petitioner school to fill up the post of Pre Vocational Instructor. Hence, the second respondent, by the order impugned in this writ petition, rejected the request of the petitioner.

5. This Court considered the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.



6. This writ petition is filed against the order of the second respondent rejecting the request to grant permission to fill up the post of Pre Vocational Instructor for the year 2009-2010. Over the period, several development has taken place in the Department and syllabus has also been changed. The Government has also taken a decision that specialist teachers, like, Pre Vocational Instructor is not required for the school, depending upon the existing syllabus. Therefore, at this stage, this Court cannot entertain the present writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Madurai District, Madurai - 625 001.

1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-17028[F] dated 06/04/2022)

W.P. (MD) No.6921 of 2010
and
M.P. (MD) Nos.1 and 2 of 2010
05.04.2022

SP/09/06/2022/3P/4C