



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.6401 of 2015

and

M.P. (MD) .No.2 of 2015

WEB COPY

Murugan Middle School,
Aavarampatty,
Rajapalayam,
Virudhunagar District,
Represented by its Secretary,
Smt.G.Gomathy

... Petitioner

Vs.

1.The Director of Elementary Education,
Chennai - 600 006.

2.The District Elementary Educational Officer,
Virudhunagar District.

3.The Assistant Elementary Educational Officer,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.1723/A2/2014 dated 06.03.2015 and quash the same and consequently direct the respondents herein to permit the petitioner School to fill up the vacancy in the post of Vocational Instructor (Sewing) in the petitioner School with all monetary and attendant benefits to the Instructor.

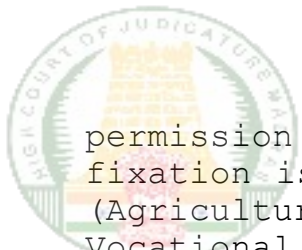
For Petitioner : Mr.C.Jegannathan

For Respondents : Mr.V.Omprakash,

Government Advocate (Civil Side).

ORDER

The petitioner is the Secretary of the School. The petitioner School is the Private Aided Non Minority Educational Institutions and the petitioner School was recognized and granted permanent registration from 14.05.1952. The petitioner School was upgraded as Middle School vide proceedings of the second respondent dated 23.03.1993. The petitioner School is having a sanctioned post of Vocational Instructor and the last teacher retired was on 31.05.2010. The post was vacant from 01.06.2010. Whenever the staff strength was fixed, the post of Vocational Instructor was shown in the fixation. The School had decided to fill up the post of Vocational Instructor (Sewing) from 2015 onwards and submitted the proposal for granting permission to fill up the post. The



permission was rejected stating that the earlier order of staff fixation is incorrect and sanctioned post was Vocational Instructor (Agriculture) and the staff fixation order showing the post of Vocational Instructor (Sewing) is typographical error. The post of Vocational Instructor (Agriculture) cannot be converted into Vocational Instructor (Sewing). Therefore, the respondents rejected vide impugned order. The petitioner is seeking to quash the impugned order and consequently direct the respondents to permit the petitioner School to fill up the vacancies in the post of Vocational Instructor (Sewing) with monetary benefits.

2. The respondents had filed counter, it is stated inadvertently, in the staff fixation order it has been shown as Vocational Instructor (Sewing) but the original sanctioned post is Vocational Instructor (Agriculture). Taking advantage of the typographical error, the petitioner has rushed to the High Court. The second respondent has already issued an erratum in proceedings in Na.Ka.No.1723/A2/ 2014 dated 06.03.2015 by stating that due to the typographical error for the academic orders 2011-2012 and 2013-2014, the above post was mistakenly mentioned as Vocational Instructor (Sewing).

3. Heard Mr.C.Jegannathan, learned counsel for the petitioner and Mr.V.Omprakash, learned Government Advocate (Civil Side) for the respondents.

4. When the case was taken up today for hearing, the learned counsel for the petitioner submitted that the Writ Petition has become infructuous. This Court is also absorbing that the post cannot be converted from Agriculture to Sewing since the same was denied in G.O. No. 104 School Education (D1) Department dated 12.07.2002 and G.O. 39 School Education (D1) Department dated 21.03.2003. Therefore, the claim of the petitioner School is also on wrong interpretation of the said Government Orders. Therefore, this Court is of the considered opinion that the Writ Petition is liable to be dismissed.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

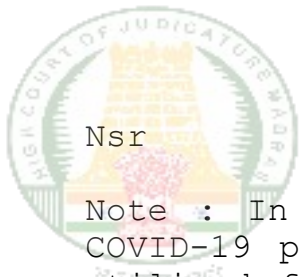
Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)



Nsr

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.

To

- 1.The Director of Elementary Education,
Chennai - 600 006.
- 2.The District Elementary Educational Officer,
Virudhunagar District.
- 3.The Assistant Elementary Educational Officer,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-7731[F] dated 22/02/2022)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-7372[F] dated 21/02/2022)

W.P.(MD) .No.6401 of 2015
21.02.2022

NSN(CO)
KB(07.03.2022) 3P 6C