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W.P.Nos.11148 to 11156 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.11148 to 11156 of 2011
and M.P.No.2 of 2011 (9 Nos.)

W.P.No.11148 of 2011 :-

S.Dhakshanamurthy

... Petitioner

-Vs-

1. The Government of Tamil nadu

Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009.

2. The Director of School Education,

College Road,
Chennai – 600 006.

3. The Chief Educational Officer,

Thiruvannamalai District.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records relating to the proceedings in G.O.No.185 dated 25.08.2008 issued by the first respondent, quash the same in as much as it treats the Vocational Teachers as a feeder category for promotion to the post of Post Graduate Assistants, insofar as the petitioner is concerned.



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In all W.Ps.

For Petitioner : Mr.R.Saravana Kumar

For Respondents : Dr.T.Seenivasan
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the government order dated 25.08.2008, passed by the first respondent in G.O.No.185, thereby treating the Vocational Teachers as a feeder category for promotion to the post of Post Graduate Assistants.

2. All the petitioners were appointed as single part-time commerce Vocational Teachers and they were qualified with post graduate degree qualification and also M.Ed., M.Phil degree. They are teaching the commerce subject in the vocational stream of the higher secondary course. However, they are not treated on par with the P.G. Assistant who are also handling higher secondary course. As per G.O.185 dated 25.08.2008, they were treat as feeder category for the promotion to the post of P.G. Assistants. Aggrieved by the same, the petitioners filed the present writ petitions.



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3. The learned counsel appearing for the petitioners in all writ petitions submitted that the higher secondary education, comprising 11th and 12th standard, has two streams namely the general stream and vocational stream. The post graduate teachers were appointed to teach the general stream and the vocational teachers were appointed to teach the vocational stream. But the nature of work and the service of the vocational teachers were not recognized and only in the year 1990, their scale of pay was brought on time scale of pay on 01.04.1990, vide G.O.No.712 dated 28.04.1990.

4. In fact, the petitioners were already filed applications before the Administrative Tribunal and all their cases were transferred before this Court. Subsequently, the same were dismissed by this Court by observing that the principle of equal pay for equal work can be considered only when there is a complete and wholesale identity between two groups. He further submitted that similarly placed persons in the State of Puducherry filed writ petitions and they were directed to treat on par with the other P.G. Assistants.



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5. In response to the various requests made by the vocational teachers, the first respondent instead of considering the case of parity of scale on par with P.G. Assistants, issued the impugned order in G.O.No.185 dated 25.08.2008 and declared that the vocational teachers in the commerce area as the feeder category for promotion as P.G. Assistants Commerce. Hence, he prayed to quash the impugned government order.

6. Heard the learned counsel appearing of either side and perused the material placed before this Court.

7. On perusal of the counter filed by the third respondent revealed that as per the ad hoc Rules, the qualification prescribed for Vocational Teacher is only diploma-degree holder, whereas a P.G. Assistant must possess a master degree in the relevant subject with B.Ed., degree. As per G.O.Ms.No.720 dated 28.04.1981, the educational qualification for the post of Post Graduate Teachers handling higher secondary classes is Post-graduate degree with B.Ed. Whereas the



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qualification prescribed for Vocational Teachers is only a technical qualification, a degree or diploma in the relevant subject. Therefore, the impugned order in G.O.Ms.No.185 dated 25.08.2008 has been rightly passed insofar as the Vocational Teachers as feeder category for promotion to the post of Post Graduate Assistants.

8. Further the vocational teachers won't get promotion as there is limited numbers of sanctioned P.G. Commerce post, if the vocational treated as feeder category post does not mean the G.O.Ms.No.185 dated 25.08.2008, is illegal as the main contention of the petitioner is pay parity with the P.G. Assistant post. Insofar as the service condition is concerned the vocational teachers are also having or obtained masters degree with B.Ed., qualification and are handling classes in equal number of classes on par with that of the P.G. Assistants in school. Therefore, a proposal was sent to the government to consider the same in G.O.Ms.No.720 Education Department dated 28.04.1981. Thereafter, the present G.O.Ms.No.185 School Education (VE) Department, dated 25.08.2008 has been passed in execution of G.O.Ms.No.720 dated 28.04.1981. Hence, this Court finds no infirmity or illegality in the



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G.O.Ms.No.185 dated 25.08.2008 and the writ petition is devoid of merits and liable to be dismissed.

9. Accordingly, all the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

19.09.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts



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To
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Government of Tamil nadu,
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2. The Director of School Education,
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