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WP.Nos.531, 532 & 533 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.Nos.531, 532 & 533 of 2022

N.Kannan

E.Udayakumar

A.A.Riyaz Basha

.. Petitioner in W.P.No.531 of 2022

.. Petitioner in W.P.No.532 of 2022

.. Petitioner in W.P.No.533 of 2022

Versus

1.The Principal Secretary to Government

School Education Department

Secretariat, Chennai – 600 009

2.The Joint Director School Education

(Vocational/Technical Education)

DPI Campus, No.68, College Road

Chennai – 600 006

3.The Director/Commissioner

Directorate of School Education

DPI Campus, No.68, College Road

Chennai – 600 006

4.The Principal Secretary to Government

Social Welfare and Nutritious Meal

Programme Department

Secretariat, Chennai – 600 009

.. Respondents in all cases

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 23.10.2021 in the light of



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G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme Department,
dated 16.10.2008.

In all cases

For Petitioners : M/s.H.R.R.Shameera Begum
for Mr.R.Prabhakaran

For Respondents : Mr.S.Prabhakaran
Government Advocate

COMMON ORDER

These Writ Petitions have been filed seeking to direct the respondents 1 to 3 to consider the petitioner's representation dated 23.10.2021 in the light of G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme Department, dated 16.10.2008.

2. Since, the facts and circumstances in these cases are identical in nature, they are heard together and are disposed of by way of this Common Order.

3. The grievance of the writ petitioners are that originally they were appointed as Computer Instructors on a contract basis, thereafter, they have been regularised. Further, they have been terminated from the service, hence, they gave representations dated 23.10.2021 for reinstatement, which are



pending without consideration till date. Hence, these writ petitions.

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4. Counter has been filed. It has been admitted that the petitioners were appointed in the unsanctioned post by contract basis. Thereafter, the Government took a policy decision to sanction one post Computer Instructor in every Government Higher Secondary School. Accordingly, in G.O.Ms.No.187 dated 04.10.2006 was issued creating 1880 posts. However, there were only 1714 contract employees. Hence, 170 posts were in surplus over and above the contract employees. Thereafter, the Government issued a letter in Letter No.188 dated 04.10.2006 stating that a special test will be conducted by the Teachers Recruitment Board for Computer Instructors working in the Government Higher Secondary Schools and selection will be based on the mark obtained i.e., minimum qualifying mark is 50%. The petitioners had also appeared in the special test and were not qualified in the said examination. Thereafter, a challenge was made before the Hon'ble Apex Court in C.A.No.4187 of 2009, wherein, the State was directed to conduct the retest. Even, in retest, the petitioners have not qualified. Thereafter, they were terminated from their service after issuance of appropriate show cause notices. Such facts are not disputed by the learned counsel for the petitioners.



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5. In such view of the matter, mere direction to the respondents to consider the representations will not serve any useful purpose. Since, the petitioners have not challenged the very appointment Orders, these writ petitions stands dismissed. It is well open to the petitioners to challenge the termination orders in the manner known to law. No costs.

18.07.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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