



W.P.No.25725 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

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

W.P.No.25725 of 2014
and M.P.Nos.1 and 2 of 2014

Tamil Nadu Higher Secondary School
Vocational Teachers Welfare Association,
represented by its President,
V.Somasundaram
19/10, Saravana Street,
Kondithopu, Chennai-600 079.

... Petitioner

-Vs-

1. The State of Tamil Nadu,
represented by its Principal Secretary
to Government,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road,
Chennai 600 006.
3. The Joint Director of Vocational Education,
Office of Director of School Education,
College Road,
Chennai 600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in the Letter No.36747/Ni.Va.3(2)/2013-3 dated 05.08.2014 and



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quash the same and consequently direct the 1st respondent to apply G.O.Ms.No.492, Finance (Pay Commission) Department, dated 11.05.1990 and revise the pay scale of the members of the petitioner Association from Rs.1400-2600 to Rs.1640-2900 from the date of their regularization.

For Petitioner : M/s.C.Uma
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent in the Letter No.36747/Ni.Va.3(2)/2013-3 dated 05.08.2014, thereby rejected the representation submitted by the petitioner seeking relief of pay fixation on par with those who have been appointed prior to 1978 and regularize subsequently.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The members of the petitioner's Society are teaching vocational subjects for the students of Standard XI and XII. In the year 1978-1979, the Higher Secondary System was introduced in the State of Tamil Nadu. By G.O.Ms.1719, Education dated 14.09.1978, permitting the utilization of the



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services of the erstwhile bifurcated staff to teach Higher Secondary classes

under the designation “Vocation Instructors/Teachers” with the pay scale of

Rs.1160-1950. Part-time Vocational Instructors were paid Rs.900/- per month.

By G.O.Ms.No.492, dated 11.05.1990, revised the pay scale to the Vocational

Instructors appointed prior to 1978. After receipt of the representations from

the Part-Time Vocational Instructors, their pay scales were fixed as Rs.1400-

40-1600-50-2300-60-2600 for Vocational Instructors. However, the Vocational

Instructors who had joined after 1978 were not paid that much scale of pay and

as such, there was pay anomaly. Even after recommendation of the expert

Committee equal pay scale for both the categories i.e. Pre 1978 and post 1978,

there was discrimination. Therefore, the members of the petitioner association

submitted a representation. However, there was no response and as such, they

were constrained to file W.P.No.11267 of 2011. The Writ Petition was

disposed of, with the directions to make individual representations to the first

respondent within a period of two weeks. On receipt of the said representation,

it shall be considered by the first respondent on merits and in accordance with

law. However, the petitioner association made representation and Director of

School Education forwarded the proposal to the first respondent to re-fix the

scale of pay of Vocational Instructors who joined after 1978 with effect from

the date of regularization. However, by the impugned order, the first



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respondent rejected the request made by the petitioner.

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4. A perusal of the counter filed by the respondents revealed that the members of the petitioner association have been appointed by the Parent Teacher Association as well as the School Management on temporary basis under consolidated pay on a part time basis. This has been categorically mentioned in G.O.(Ms.).No.1719 School Education Department dated 14.09.1978, since the Government has passed the above said G.O. In order to help those persons who have been appointed by the above said method and those persons have been brought under regular stream in the scale of Rs.1400-2600 and the members of the petitioner association have been appointed under the above said G.O. Therefore, the benefits given for the teachers working under the bifurcated course and subsequently absorbed for the vocational stream under the pay scale Rs.1640-2900 as per G.O.Ms.No.492 Finance dated 11.05.1990 will not apply to the category of petitioner association.

5. Further, the Government has passed a G.O.Ms.No.6, School Education (VE) Department dated 04.01.2000 framing adhoc rules for the post of Vocational Instructors and prescribed the corresponding pay scale of the said Vocational Instructors. It is further revealed that as per G.O.Ms.No.666 Finance dated 11.05.1990, they have given the following pay scale in respect of



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following categories:-

<i>S.No</i>	<i>Column (1)</i>	<i>Column (1) Rs.</i>	<i>Column (1) Rs.</i>
43	Textile (Power loom) Instructor for others	1045-1778	1640-2900
46	Engineering Instructor (For Diploma Holders)	1045-1775	1640-2900
47	Motor Mechanism Instructor	905-1545	1640-2900

6. Similarly, as per the 6th pay commission during the year 2009, some of the categories of Teachers were given the revised pay scale as per G.O.Ms.No.263 Finance Pay Cell Department dated 22.07.2013 from 01.01.2006 and the monetary benefits were given with effect from 01.04.2013, which are as follows:-

<i>S.No.</i>	<i>Name of Post</i>	<i>Existing Scale of Pay and Grade Pay</i>	<i>Revised Scale of Pay and Grade Pay</i>
1.	Tamil Pandit/Physical Director (High School)/Vocational Teachers/Instructors and other categories of Teacher in the cadre of the BT Assistant	9300-34800+4400	9300-34800+4600

7. After 1978 as per G.O.Ms.No.834 Science and Technology Education Department dated 23.09.1994, 1384 Double Part Time and 603 Part Time Teachers were brought under the time scale of Rs.1400-2600 and thereby 1990 posts were created similarly as per G.O.Ms.No.790 Science and Technology (VE) Department dated 06.11.1996, 88 Vocational Instructor Post were created



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till 30.06.1997 in the Scale of Rs.1200-2300 thereby 117 Computer Instructor

service was regularized.

8. Therefore, G.O.Ms.No.492, Finance (Pay Commission) Department, dated 11.05.1990 is not applicable to the petitioner association and this Court finds no infirmity or illegality in the order passed by the first respondent in the Letter No.36747/Ni.Va.3(2)/2013-3 dated 05.08.2014 and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed.

No costs.

05.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Secretary
to Government,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road,
Chennai 600 006.
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