



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.32722 of 2018

K. Venugopal

.. Petitioner

Vs.

1.The Joint Director (Technical Education)

Directorate of School Education,
College Road, Chennai – 600 005.

2.The Chief Educational Officer,
Thiruvallur, Thiruvallur District.

3.The Principal Accountant General
(Accounts and Entitlements),
Chennai – 600 018.

.. Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider to take into account the service rendered by the petitioner as Part-Time Vocational Teacher from 20.09.1985 to 15.10.1992 along with the regular service from 16.10.1992 to 30.06.2018 for the purposes of computing pension and other retirement benefits and grant him all consequential benefits.



For Petitioner .. Mr. P. Rajendran

For Respondents .. Mr. R. Neethi Perumal, Govt. Advocate

ORDER

This writ petition has been filed in the nature of Mandamus, seeking a direction to the respondents to take into consideration the service rendered by the petitioner as part-time Vocational Teacher from 20.09.1985 to 15.10.1992, while taking into consideration his regular service from 16.10.1992 to 30.06.2018 for the purposes of computing pension.

2.The petitioner herein was appointed as part-time Vocational Teacher (Single) in the Government Higher Secondary School, Pathirivedu, Madarpakkam on 20.09.1985. It must be kept in mind that from and around 1997 onwards, the Government had changed the educational pattern and introduced 10+2+3 system quite apart from the earlier 11th, PUC and +3 system. When Higher Secondary Course was introduced, many new subjects were also introduced like, Computer Science, Commerce etc. Owing to the fact that there were no qualified teachers for those subjects, those who were



appointed were called Vocational Instructors. They discharged their duties as teachers for Higher Secondary students, but the subjects were not in main stream. They were all brought into regular service after several representations made. The petitioner herein had brought into regular service 16.10.1992. On and from 16.10.1992 his salary had been protected and he had the benefit of the service conditions as were extended to every other teacher in a school.

3.The grievance of the petitioner is that the period between 20.09.1985 and 15.10.1992 when he worked as part-time Vocational Instructor (Single) before the regularization has not been taken into account along with the regular service.

4.The learned counsel for the petitioner, however, pointed out that the Government had realized this particular issue and had passed G.O.Ms.No.127, School Education Department dated 12.07.2023, specifically addressing this particular issue and stating that 50% of the service rendered as part-time Vocational Instructor would be taken into consideration for calculating the pension.



5. On the side of the respondents also, it is affirmed that such a Government order had actually been passed and if the Government order is applicable to the petitioner, certainly the benefits therein should inure to the petitioner herein.

6. It is for the respondents to examine the applicability of the Government order to the petitioner herein. The petitioner may therefore give a fresh representation to the 1st respondent with copies to the 2nd and 3rd respondents specifically bringing to their notice G.O.Ms.No.127, School Education Department dated 12.07.2023 and also include his service records and claim benefit of that particular Government order to be applied to the petitioner herein. If the representation is so given by the petitioner, a direction is given that it should be addressed and orders shall be passed, first determining, whether it is applicable to the petitioner and if it is so applicable, grant necessary benefits under the Government order. If the same is not applicable, they must give necessary reason for the same and it should not be a cursory refusal. The entire exercise must be completed within a period of sixteen weeks from the date on which the petitioner gives the fresh representation.



7. With the above observations, this Writ Petition stands disposed of.

No costs.

31.08.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking order: Yes/No

To

1. The Joint Director (Technical Education)

Directorate of School Education,
College Road, Chennai – 600 005.

2. The Chief Educational Officer,
Thiruvallur, Thiruvallur District.

3. The Principal Accountant General
(Accounts and Entitlements),
Chennai – 600 018.



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C.V.KARTHIKEYAN,J.

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