



W.A.(MD)No.1069 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.1069 of 2012

S.Santha

... Appellant / Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Chennai-9.

2.The Joint Director School Education,
D.P.I.Complex, College Road, Chennai.

3.The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.



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5.The District Education Officer,
Kuzhithalai at Marthandam,
Kanyakumari District.

6.The Correspondent,
Kamarajar Memorial High School,
Panthalu Villai, Kanyakumari District. ... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.09.2012 made in W.P.(MD)No.12366 of 2012 on the file of this Court.

For Appellant : Mr.D.Anbarasu
For R1 to R5 : Mr.A.Kannan,
Additional Government Pleader
For R6 : No Appearance

JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This Writ Appeal is directed against the order passed by the Writ Court dated 20.09.2012 made in W.P.(MD)No.12366 of 2012.

2.It is a case of the appellant, who was the writ petitioner before the Writ Court that she passed higher secondary examination in Embroidery



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in the year 1979 and thereafter, passed dress making course in the year 1982. Subsequently, she passed Technical Teachers' Certificate Course at Nagercoil in the year 1982, thus, acquired the eligibility to be appointed as Craft Teacher.

3.It was the further case of the writ petitioner before the Writ Court that G.O.Ms.No.224, Education, Science and Technology Department, dated 24.03.1994 was issued to allow the qualified part time teachers to be appointed in the Secondary Grade vacancies.

4.At that time, there are 500 vacancies of part time Pre-Vocational Instructors ie., Craft Teachers.

5.The part time Pre-Vocational Instructors were held to be qualified to hold the post of Pre-Vocational Instructors, after three months training course in the District Institute of Education and Training (DIET) of various districts. Such a training if they completed, they would be eligible to be considered for the post of Pre-Vocational Instructors.



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6. In this context, based on G.O.Ms.No.224 issued in this regard, the training was given in a phased manner. Insofar as the appellant / writ petitioner is concerned, after she completed the training, she became eligible to hold the post of full time Pre-Vocational Instructor in the year 2002. Therefore, from 26.08.2002, she has been absorbed as Full Time Craft Teacher.

7. However, it was the contention of the appellant / writ petitioner before the Writ Court that the writ petitioner should have been absorbed as Full Time Craft Teacher with effect from 26.08.1997.

8. The reason for such plea raised by her was that, she already completed such three months training in the year 1996 and therefore, she was eligible to hold the post and the benefit of G.O.Ms.No.224 have to be extended. Therefore, claiming parity of such benefit to be extended to the writ petitioner, she made a representation after a long time to the respondents, which was rejected by the respondents. Challenging the same, the said Writ Petition was filed.



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9.Having heard the parties therein, the learned Single Judge of the Writ Court, by order dated 20.09.2012, rejected the plea raised by the writ petitioner. Assailing the same, the present Writ Appeal is filed.

10.Heard the learned counsel for the appellant, who canvassed the aforesaid point and would seek indulgence against the order and heard the learned Additional Government Pleader for the respondents 1 to 5.

11.We have gone through the impugned order passed by the learned Single Judge.

12.Only the issue that was placed to decide before the Writ Court was whether the appellant / writ petitioner is eligible to be absorbed as Full Time Craft Teacher with effect from 26.08.2002 as has been given to her or with effect from 26.08.1997.

13.Though it was claimed by the writ petitioner / appellant that she has completed three months training in the year 1996, the learned Single



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Judge factually found that there was no such training completed by the writ petitioner in the year 1996, as the training process itself commenced pursuant to G.O.Ms.No.224, dated 24.03.1994 and only in a phased manner such a training had been given. In this context, how in a phased manner such a training had been given to various people had been explained by the learned Single Judge, which reads hereunder:-

“6.The petitioner was also sent for training in pursuance to the instructions issued vide G.O.Ms.No.224, dated 24.03.1994. The training was also to be given in phased manner ie., firstly to the part time pre-vocational instructors, who had put in ten years of service and above, thereafter, to 200 part time pre-vocational instructors (Craft Teachers), who had put in five years of service and above whereas remaining 50% of the part-time pre-vocational instructors (Craft Teachers), were again to be sent in two batches i.e., 159 part time pre-vocational instructors (Craft Teachers) who has less than five years of service on completion of five years. The petitioner, was sent in phased manner and ultimately, absorbed as Full Craft Teacher on 26.08.2002.”

14. Therefore, those who have been working for 10 years initially considered for the training, thereafter, 5 years and above 5 years and



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thereafter, those who are less than 5 years were considered. In this context, the writ petitioner was sent in phased manner and ultimately was absorbed as Full Time Craft Teacher on 26.08.2002. Therefore, such a belated training is not a mistake on the part of the respondents but based on the seniority in the part time Craft Teacher, where they have already been working in that capacity. Therefore, when the turn comes to the writ petitioner, she was sent for training and after completion of training, immediately, she was absorbed as Full Time Craft Teacher on 26.08.2002.

15.The said order of absorption having been accepted, after 10 years only the writ petitioner had filed the Writ Petition, stating that her representation submitted recently was rejected by the respondents. Therefore, the learned Single Judge has also taken a point of delay and laches for which also the learned Single Judge has given reason for rejecting the Writ Petition.

16.Apart from the delay and laches as has been discussed by the learned Single Judge in the impugned order, the training given to the writ petitioner is not belated and the delay is not caused because of the



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respondents, only because that the writ petitioner was eligible to be sent for training in a phased manner as per G.O.Ms.No.224 referred to above.

Therefore, after completing the training only she could have been made eligible that has been done on 26.08.2002. Therefore, the order impugned that was placed before the Writ Court was to be justified, which in fact had been justified by the learned Single Judge, who has passed the impugned order herein. On persual of the same, we find no reason to interfere with the same. Accordingly, this Writ Appeal fails, and it is dismissed. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

08.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

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