



W.P.(MD)No.14344 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14344 of 2020

Nadar Higher Secondary School
represented by its Secretary,
Pandavarmangalam,
Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary to Government,
School Education Department,
Chennai.
- 2.The Director of School Education,
Chennai.
- 3.The Joint Director of School Education (Secondary),
Chennai -6.
- 4.The Chief Educational Officer,
Tuticorin.
- 5.The District Educational Officer,
Kovilpatti,
Tuticorin District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the fifth respondent in his proceedings in O.Mu.No.2480/A2/2020 dated 14.07.2020 and quash the same and direct the respondents to grant prior permission to the petitioner's school to fill up the post of Vocational Instructor (Accountancy and Auditing).

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the fifth respondent dated 14.07.2020 and to quash the same and consequently direct the respondents to grant prior permission to the petitioner's School to fill up the post of Vocational Instructor (Accountancy and Auditing).



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2. The case of the petitioner Management is that the petitioner Management was sanctioned two posts of Vocational Instructors. Mr.A.Raveendran was working as Vocational Instructor from 21.01.1982 and Mr.M.Subramaniya Bharathi was working as Vocational Instructor from 24.10.1985 in the sanctioned posts. The above said Mr.A.Raveendran retired from service on 31.05.2016. Therefore, the petitioner Management made a request for prior permission to fill up the said post. But the fifth respondent has refused to grant permission to the petitioner Management. Challenging the same, the petitioner Management has filed a writ petition before this Court in W.P.(MD).No.8682 of 2019 and the same is pending. Now, Mr.M.Subramania Bharathi retired from service in the year 2020. Hence, the petitioner Management made a request for prior permission to fill the said post. But the fifth respondent has refused to grant permission, by order dated 14.07.2020. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner Management has challenged the rejection order only on



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the ground that G.O.(Ms.).No.8, dated 06.01.2019 was issued and a Committee has been constituted and the Committee made a recommendation to reform the vocational education system and created some procedures with regard to the post as well as the qualification. However, the 5th respondent has mechanically rejected the same, on the ground that the said post was lapsed on 31.05.2016 and no post is available. However, the students are studying in the vocational group and it is the duty cast upon the educational authorities to fill the said post either by appointment or by surplus post. Hence, the impugned order is liable to be set aside.

4. The learned Special Government Pleader appearing for the respondents would submit that admittedly two Full Time Vocational Instructor posts were sanctioned for the benefit of erstwhile Vocational Instructors and they were lapsed one after another on 31.05.2016 and 30.04.2020. In the staff fixation order for the year 2017 – 2018, only one post of Vocational Instructor was shown as available and admissible post. Similarly, from the year 2020 – 2021, there is no Vocational Instructor post in the petitioner Management. Despite the petitioner Management requested



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for prior permission to fill up the Vocational Instructor post as if the said post is vacant from 01.06.2016, the said post was lapsed on 31.05.2016. Hence, the present impugned order has been passed. Further, if the petitioner Management have Vocational group, they have to send a fresh proposal in terms of G.O.(Ms.).No.8, dated 06.01.2019 and the consequential G.O., and if such proposal is filed, the same will be considered and appropriate orders will be passed.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Admittedly, the respondents sanctioned two Full Time Vocational Instructors posts for the benefit of erstwhile vocational instructors and the said posts were lapsed on 31.05.2016 and on 30.04.2020 respectively. Earlier rejection order was challenged by the petitioner Management before this Court in W.P.(MD).No.8682 of 2019 and the same is pending. The present writ petition has been filed challenging the second rejection order passed by the fifth respondent. However, the fact remains



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that the G.O.(Ms.).No.8 was issued and a Committee was constituted and the Committee made a recommendation to reform the vocational education system in accordance with the present day and they have created some procedure in the above said Government Order.

7. In view of the above, this Court grants permission to the petitioner Management to make a fresh proposal to the educational authorities to fill up the said post in terms of G.O.(Ms.).No.8, dated 06.01.2019 and the consequential G.O., and if such proposal is filed, the respondents are directed to pass appropriate orders, if the vocational system is in existence in the petitioner Management, without interfering with the impugned order.

8. With the above directions, this Writ Petition is disposed of. No costs.

23.01.2023

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M.DHANDAPANI,J.

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