



W.P.(MD)No.8763 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8763 of 2018

and

W.M.P.(MD).No.8195 of 2018

The Correspondent,
Senaithalaivar Higher Secondary School,
Vickramasingapuram – 627 425,
Tirunelveli District.

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli.

4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli 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 relating to the impugned proceedings issued by the fourth respondent District Educational Officer in O.Mu.No.2305/A4/17, dated 31.07.2017, quash the same, and further direct the respondents herein to approve forthwith the appointment of the Sewing Mistress P.Lilly Jasmin in the petitioner school with effect from 19.06.2017, by converting the Pre Vocational post of Weaving into that of Sewing and sanction the salary and all other attendant benefits.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.T.Amjad Khan

ORDER

This writ petition has been filed challenging the impugned proceedings issued by the fourth respondent District Educational Officer dated 31.07.2017 and to quash the same and further direct the respondents to approve forthwith the appointment of the Sewing Mistress P.Lilly Jasmin in the petitioner School with effect from 19.06.2017, by converting the Pre-Vocational post of Weaving into that of Sewing and to sanction salary and all other attendant benefits.



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2. The case of the petitioner is that the petitioner School is a recognised and aided minority educational institution. The School was initially established as a Middle School in the year 1949 and later upgraded into High School in the year 1990. The School and the Parent Teacher Association made several representations to the Education Department, requesting for sanction of at least one post of Sewing Instructor. But no positive response came forth. While so, one post of Pre-Vocational Instructor (Weaving) in the School fell vacant on 31.05.2017, on account of retirement of then incumbent Tmt.K.Perumal. The Parent Teacher Association requested the Management to have Sewing Instructor instead of Weaving, vide its resolution dated 24.04.2017, as it provides some self employment to the girl children. Considering the request made by the Parent Teacher Association, the School felt it appropriate to appoint Sewing Mistress instead of Weaving Instructor. Accordingly, the School appointed a fully qualified candidate viz., Tmt.P.Lilly Jasmin as Pre-Vocational Instructor (Sewing) with effect from 19.06.2017, in the vacant post of Pre-Vocational Instructor. Thereafter, for the purpose of conversion and



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approval to the appointment, the School submitted a proposal to the fourth respondent District Educational Officer on 21.06.2017. But the fourth respondent has returned the proposal vide impugned proceedings dated 31.07.2017, stating that as per G.O.(Ms).No.104, dated 12.07.2002 and G.O.(Ms).No.39 dated 21.03.2003, the School can only appoint Sewing and Music Teachers from 12.07.2002 and should not fill up any other Pre-Vocational Instructors and conversion can be done only between Music to Sewing and Sewing to Music and no other conversion is possible and approval to the present appointment by converting Weaving to Sewing cannot be granted. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the Parent Teacher Association passed a resolution on 24.04.2017, to fill up the post of Sewing Instructor instead of Weaving Instructor. Thereafter, an appointment was made in favour of one P.Lilly Jasmin as Pre Vocational Instructor (Sewing) with effect from 19.06.2017. Hence, the order impugned in this writ petition is not sustainable one and the same is



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liable to be set aside.

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4. The District Educational Officer, Cheranmahadevi has filed a counter stating that the petitioner School has violated the order in G.O. (Ms.).No.39, School Education, dated 21.03.2002 and the Government had not granted power to the fourth respondent to convert the subject of a Craft Teacher post from weaving to sewing. Hence, the fourth respondent has returned the proposal dated 21.06.2017, seeking approval of appointment of Tmt.P.Jeba Lilly. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

6. Admittedly, the petitioner is a recognised and aided minority educational institution. The post of Pre-Vocational Instructor (Weaving) in the School fell vacant on 31.05.2010 and instead of filling the post of Weaving, the petitioner School filled up the post of Sewing and converted the said post on their own and forwarded a proposal for approval of



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appointment and the same was rejected. Without obtaining prior permission, the petitioner School has converted the said post and filled up one Tmt.P.Jeba Lilly as Pre Vocational Instructor (Sewing) with effect from 19.06.2017, which is contrary to G.O.(Ms).No.104, dated 12.07.2002 and G.O.(Ms).No.39 dated 21.03.2003. The issue regarding conversion and the appointment of Pre - Vocational Instructor (Sewing) instead of Weaving is pending before the Apex Court. Hence, the impugned order cannot be interfered with and accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out the remedy, after disposal of the S.L.P. pending before the Apex Court.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.02.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

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To

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Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai 600 009.
- 2.The Director of School Education,
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Chennai 600 006.
- 3.The Chief Educational Officer,
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M.DHANDAPANI,J.

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