



W.P.(MD).No.4220 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.4220 of 2016

R.Parimala

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
St.George Fort,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 6.
- 3.The Joint Director,
(Vocational) Education Department,
College Road,
Chennai – 6.
- 4.The Commissioner,
Madurai Corporation,
Madurai.
- 5.The Educational Officer,
Madurai Corporation,
Madurai.



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6.The Headmistress,
Sethupathi Pandithurai Corporation Higher Secondary School,
Karimedu,
Madurai – 16.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to absorb the petitioner as full time Vocational Instructor as per seniority and pay the time scale in accordance with G.O.Ms.No.35 dated 09.02.2007 and confer all the consequential benefits and other eligible benefits.

For Petitioner : Mr.A.B.Prabhakar

For R-1 to R-3,
R-5 and R-6 : Mr.D.Sadiq Raja,
Additional Government Pleader.

For R-4 : Mr.T.S.Mohammed Mohidheen

ORDER

This Writ Petition is filed directing the respondents herein to absorb the petitioner as full time Vocational Instructor as per seniority and pay the time scale in accordance with G.O.Ms.No.35 dated 09.02.2007 and confer all the consequential benefits and other eligible benefits.



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2. The contention of the petitioner is that the petitioner was working in the sixth respondent School as Vocational Instructor and she is eligible to be absorbed in the Government service based on the Government orders. The petitioner's case was also considered by the respondent and the same was rejected vide order dated 09.07.2015, wherein it has been stated that the petitioner has served in a Private Aided School and she cannot be absorbed based on Rule 14-A of the Tamil Nadu Private Schools Regulation Act, since the said post was created subsequent to 01.04.1992. If any post, any course or any class is created subsequent to this date, then the same would not be eligible for any grant-in-aid.

3. The petitioner submits that she was continued in the post of Vocational Instructor. However, the respondents refuted the said claim by circulating the certificate issued by the sixth respondent dated 14.02.2023 stating that the petitioner had not worked at all. But, the petitioner's husband has worked during the said period. The certificate produced by the petitioner was signed by one Sundar Rajan, erstwhile Headmaster. However, the said Sundara Rajan was retired from service and he also denied regarding issuance of such certificate. Therefore, this Court is not inclined to entertain this Writ Petition.



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4. Hence, this Writ Petition is dismissed. There shall be no order as to costs.

15.02.2023

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

To

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S.SRIMATHY, J.

Nsr

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