



W.P.No.11772 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11772 of 2010
and M.P.Nos.1 and 2 of 2010

Y.Hillarin

.. Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Secretary, School Education Department,
Fort St. George, Chennai.
 2. The Director of School Education,
College Road,
Chennai.
 3. The Chief Educational Officer,
Kuzhithurai, Kanyakumari District.
 4. The Correspondent,
St. Alusious Higher Secondary School,
Marthandamthurai,
Kanyakumari District.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.14767/V1/E3/09, dated 11.06.2009 passed by the 2nd respondent, quash the same and consequently direct the



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respondents to pay the part time salary to the petitioner from 02.07.1990 to 21.02.1995 as Vocational Instructor at the 4th respondent school.

For Petitioner : Mrs.P.Mahalakshmi

For Respondents : Mrs.Mythreye Chandru,
Special Government Pleader,
for RR-1 to 3

: R4 - No Appearance

ORDER

This Writ Petition is filed challenging the order, dated 11.06.2009, in and by which, the claim of the petitioner for the part time salary from 02.07.1990 to 21.02.1995 as Vocational Instructor, is denied by the respondents.

2. The case of the petitioner is that by G.O.Ms.No.1719, dated 14.09.1978, vocational schemes were introduced in Higher Secondary Schools in the State of Tamil Nadu. The appointment of these Vocational Instructors were left to the concerned Head Masters. The petitioner was appointed as Vocational Instructor on part time basis with effect from 02.07.1990 and only on 22.02.1995, the petitioner was approved by the third respondent and was paid salary only thereafter. By subsequent



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Government Order, the petitioners were all brought under regular timescale of pay and continue. But, the question is regarding the payment of salary as the part time Vocational Instructor from the date of appointment i.e., from 02.07.1990 till the date on which the approval was granted i.e., till 22.02.1995. The ground, on which the pay is rejected by the impugned order, is that the petitioner was appointed even before the posts were sanctioned and permitted in respect of the concerned schools and therefore, there is no provision to make the payment of salary during that period.

3. On the other hand, paragraph No.3 of the G.O.Ms.No.974, dated 23.08.1985 produced by the writ petitioner is extracted hereunder :-

"3. Sanction is further accorded to the creation in each of the 26 Higher Secondary Schools of two posts of part-time vocational teachers on a remuneration of Rs.300 (Rupees three hundred only) p.m."

The school of the petitioner finds place as Entry No.9 in the said Government Order. Therefore, the reasoning given in the impugned order is factually erroneous and when the posts have been sanctioned and when the petitioners have been appointed in the sanctioned posts, the respondents are liable to pay the part time salary as applicable as per the relevant Government Orders.



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4. In the result, the Writ Petition is allowed on the following terms:-

(i) The impugned order, dated 11.06.2009 bearing Na.Ka.No.14767/V1/E3/09 shall stand quashed;

(ii) The respondents are directed to pay the part time salary of the petitioner from 02.07.1990 to 21.02.1995 with interest at the rate of 6% per annum from the date on which the amount became due till the date of payment;

(iii) The said exercise shall be carried out and the amount be paid to the petitioner within a period of four months from the date of receipt of a copy of this order;

(iv) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.03.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Secretary,
School Education Department,
Fort St. George, Chennai.



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2. The Director of School Education,
College Road,
Chennai.
3. The Chief Educational Officer,
Kuzhithurai, Kanyakumari District.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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