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W.P.No.32745 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

**W.P.No.32745 of 2015**

**and**

**M.P.No.1 of 2015**

P.Jaganathan

... Petitioner

-VS-

1.The Secretary to the Government,  
School Education Department,  
Fort St.George,  
Chennai – 600 009.

2.The Director of Elementary Education,  
DPI Campus,  
Chennai – 600 006.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the second respondent in Na.Ka.No.021755/E4/2015 dated 22.08.2015 and quash the same and consequently direct the respondents to fixing the pay attached to the post of Full Time Vocational Instructor and sanction



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increment, Selection Grade, Special Grade from the date of petitioner's appointment of full time Vocational Instructor with all monetary benefits.

For petitioner : Mr.T.Dharani

For respondents : Mrs.P.Rajarajeswari,  
Government Advocate

### **ORDER**

This writ petition has been filed by the husband of the deceased employee seeking to quash the order passed by the second respondent rejecting the petitioner's request to regularise her as full time Vocational Instructor on the basis of G.O.Ms.No.1367, Education Department dated 05.09.1986 and G.O.Ms.No.224 Educational Science and Technology Department dated 24.03.1994 and to fix the pay attached to the post of Pre-Vocational Instructor and sanction increment, Selection Grade and Special Grade from the date of the petitioner's appointment as full time Vocational Instructor with all monetary benefits.

2. The petitioner's contention is that his wife had been



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absorbed as full time Vocational Instructor with effect from 30.09.1980. Thereafter, she was placed on regular time scale of pay by the proceedings dated 13.12.1989 of the Assistant Elementary Educational Officer and her pay was periodically enhanced. She, at last, drew a sum of Rs.7580/- (5780+1800) (Pay + Grade Pay).

3. The petitioner would submit that when his wife had been appointed as full time Pre-Vocational Instructor, an 8<sup>th</sup> standard pass was sufficient. The petitioner's wife has failed SSLC examination. While so, the Government had come forward with G.O.Ms.No.1366, Education Department dated 05.09.1986, which fixed SSLC as the minimum educational qualification for Craft Teachers in Middle Schools. The Government had also granted three years time to those Craft teachers who had not possessed the qualification, to pass the SSLC examination. Thereafter, the Government had issued G.O.Ms.No.224, *supra*, wherein, on the basis of the recommendation of the One Man Commission, the



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Government had directed the arrangement of conversion of part time Pre-Vocational Instructor to full time Vocational Instructors stage by stage every year. By virtue of the G.O.Ms.No.224, *supra*, only the part time vocational Instructors were fully converted to full time Vocational Instructors, after giving short time training in Technical Teacher Training Course.

4. The petitioner would submit that since his wife had served as full time Vocational Instructor from 30.09.1980 till her death on 02.12.2011, she must have been placed on regular time scale of pay with effect from 30.09.1980 (when absorbed as full time Vocational Instructor) and not on 13.12.1989 (when she was placed on regular time scale of pay). The petitioner had earlier moved this Court seeking a direction to the respondents to pass orders on his representation dated 15.10.2014. This Court, by an order dated 19.12.2014, had directed the respondents to pass order on the representation dated 15.10.2014 on merits and in accordance



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with law, within a period of eight weeks from the date of receipt of a copy of the order. Thereafter, by the impugned order dated 22.08.2015, the request of the petitioner had been rejected citing G.O.Ms.No.1366, *supra*, and therefore, this writ petition has been filed by the petitioner.

5. The second respondent had filed a counter affidavit, in which, it is stated that the request of the petitioner cannot be granted, since his wife has not obtained the qualification as prescribed in G.O.Ms.No.1366, *supra*. It is further submitted that the petitioner's wife has also not possessed the short time training in Technical Teacher Training course and that in the event of failure on the part of the petitioner's wife to secure a pass in SSLC examination, she was not entitled to the increment.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. At the outset, this Court is at a loss to understand as to how an employee's husband would be termed to be an aggrieved party especially when his wife who was the aggrieved party has not questioned her scale of pay till her death. It is totally different when the petitioner's wife has herself moved this Court and on her death and the petitioner continued her proceedings. Even on merits, the writ petitioner's request has to be dismissed, since the qualification that has been prescribed in G.O.Ms.No.1366, *supra*, is the minimum qualification expected of all the teachers and the petitioner has not challenged this Government Order, but, has only sought to have the pay scale regularised with effect from 30.09.1980 with all attendant benefits.

8. Further, the Government, in G.O.Ms.No.1366, *supra*, had clearly stipulated that the craft teachers working in Middle Schools should possess the minimum qualification *viz.*, a pass in



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SSLC examination and the Government had also granted three years time for qualifying the said examination. Admittedly, the petitioner's wife has not passed SSLC examination till her death. The Government Order has also stated that the craft teachers with SSLC qualification would become entitled to Secondary Grade scale of pay.

Since the petitioner's wife did not even possess the expected minimum qualification, this writ petition stands dismissed. Consequently, connected M.P. stands closed. No costs.

**25.06.2024**

Internet : Yes  
Index : Yes/No  
Speaking order/Non-speaking order  
ssa  
To  
1.The Secretary to the Government,  
School Education Department,  
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**P.T.ASHA, J.,**

ssa

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