



W.P.No.6757 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.6757 of 2020
and W.M.P.No.8035 of 2020

T.Srinivasan

... Petitioner

-VS-

1.The Principal Secretary to the Government,
School Education Department,
Secretariat, St. George Fort,
Chennai 9.

2.The Director of School Education,
O/o. The Director of School Education,
Nungampakkam,
Chennai 6.

3.The Head Master,
K.L.K. Government Higher Secondary School,
Gummidipundi,
Tiruvallur District 601 201.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,

pleased to issue a Writ of Certiorarified Mandamus, to call for the records

on the files of the 2nd respondent pertaining to its Letter in



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Na.Ka.No.60301/W3/E2/2019 dated 30.12.2019 and to quash the same

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consequently direct the respondents to appoint the petitioner in the post of B.T.Assistant (History) in 3rd respondent school as per G.O.Ms.No.35 School Education Department dated 09.02.2007.

For Petitioner : Ms.Esairani Narasimman

For Respondents : Mr.G.Nanmaran,
Senior Government Pleader

ORDER

This writ petition has been filed to call for the records on the files of the 2nd respondent pertaining to its Letter in Na.Ka.No.60301/W3/E2/2019 dated 30.12.2019 and to quash the same consequently direct the respondents to appoint the petitioner in the post of B.T. Assistant (History) in 3rd respondent school as per G.O.Ms.No.35 School Education Department dated 09.02.2007.

2. Learned counsel appearing for the petitioner submitted that she has been appointed by the Parent Teachers Association in the third respondent school on the consolidated basis in the year 1995 and was working for 23

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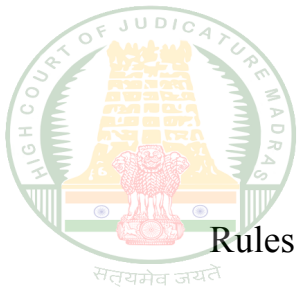
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years. The petitioner was working as B.T. Assistant (History) temporarily for the 6th to 10th standard and the respondents have failed to appoint the petitioner as a regular B.T. Assistant (History) and was orally terminated from service in the year 2019.

3. The learned counsel would further submit that the petitioner is without job for the last 4 years, he is aged about 54 years as on date and he may be appointed again as B.T. Assistant (History) on temporary or on consolidated basis in the third respondent school.

4. The counter affidavit is also filed by the second respondent dated 03.01.2022.

5. The learned Special Government Pleader would submit that the G.O.Ms.No.35(SE) Department dated 09.02.2007 was issued to regularize the service of Part-time vocational instructors who were appointed by Parent – Teacher Association and who were fully qualified to hold the post. The above part-time vocational instructors are governed by Separate Service



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Rules in G.O.Ms.No.6, School Education Department, dated 06.01.2000. In

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the above G.O the qualifications are fixed for vocational Instructors and the mode of Recruitment is not specified. However, the case of the petitioner is governed by Service Rules G.O.Ms.No.735 (Edn) Department, dated 15.07.1985. In the above Service Rules the qualification fixed for B.T. Assistant is U.G degree in the relevant subject with B.Ed. Furthermore, the method of selection is by prescribing pass in TET as mandatory qualification followed by written examination as per G.O.Ms.No.149 (School Education Department) dated 20.07.2018 and selection through TRB by open competition. Hence, the petitioner cannot claim any relief based on G.O.Ms.No.35 (School Education) Department dated 09.02.2007.

6. He further submitted that the petitioner earlier filed writ petition in W.P.No.28962 of 2019 directing the respondent to appoint him as P.G. Assistant. The Hon'ble High Court of Madras in order dated 17.10.2019 has disposed the writ petition with a direction to consider the representation of the petitioner dated 27.02.2019 and pass appropriate order on merits and in accordance with law within a period of 12 weeks from the date of order.



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Accordingly, the 2nd respondent considered the representation of the petitioner and passed order rejecting the claim of the petitioner in Na.Ka.No.60301/W3/E2/2019 dated 30.12.2019. It is submitted that the petitioner has suppressed the fact that in the earlier affidavit he prayed for direction to regularize the service as P.G. Assistant on the ground that he was appointed by P.T.A as P.G. Assistant. Now the petitioner has stated that he was appointed as B.T. Assistant temporarily in the same school. The petitioner is contradicting his own statement by stating irrelevant fact in the affidavit. Hence, the writ petition is liable to be dismissed on the ground of maintainability.

7. Heard both sides and perused the materials available on record.

8. In view of the above facts and circumstances of the case, the petitioner is directed to give a representation to the third respondent school requesting to appoint the petitioner as B.T. Assistant (History) on temporary or consolidated basis and the representation shall be given within a period of **two weeks** from today along with the copy of this order. The third



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respondent shall consider the same and pass appropriate orders within a period of *six weeks* thereof.

9. This writ petition is disposed of with the above observations and directions. No costs. Consequently, W.M.P.No.8035 of 2020 is closed.

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rna

Index : Yes / No

Internet : Yes / No

To

- 1.The Principal Secretary to the Government,
School Education Department,
Secretariat, St. George Fort, Chennai 9.
- 2.The Director of School Education,
O/o. The Director of School Education,
Nungampakkam, Chennai 6.
- 3.The Head Master,
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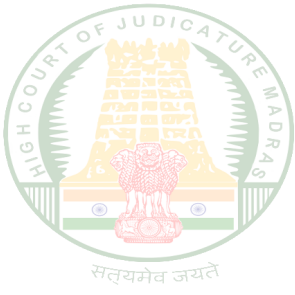


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This matter is listed today under the caption 'for being mentioned' at the instance of the learned counsel for the respondents.

2. It is brought to the notice of this Court that some typographical error have has crept in appearance of the respondents in the order dated 08.11.2024. The name of **Mr.T.M.Rajangam, learned Government Advocate** has to be mentioned in the appearance for the respondents. However, inadvertently it is mentioned as Mr.G.Nanmaran, Senior Government Pleader.



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3. In view of the above, Registry is directed to carry out the necessary correction in the appearance of the respondents as **Mr.T.M.Rajangam, learned Government Advocate** in the order and issue order copy afresh.

04.04.2025

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J.SATHYA NARAYANA PRASAD, J.

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04.04.2025