



WEB COPY



W.P.No.10749 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10749 of 2021

P.Kanagavendhan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary,
Education, Science and Technology,
(H.S.II) Department,
Madras 9.

2.The Director of School Education,
College Road,
Madras 6.

3.The Joint Director of School Education,
Vocational Education,
Madras 6.

4.The Chief Educational Officer,
Thiruvarur District.

5.The Head Master,
Government Higher Secondary School,
Edamelaiyur, Thiruvarur District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to absorb



W.P.No.10749 of 2021

the petitioner as full time Vocational Instructor Grade II as per seniority and pay the time scale in accordance with G.O.Ms.No.35 dated 09.02.2007.

For Petitioner : Ms.D.Kamatchi

For Respondents : Mr.P.Gurunathan, AGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to absorb the petitioner as full time Vocational Instructor Grade II as per seniority and to pay the time scale in accordance with G.O.Ms.No.35 dated 09.02.2007.

2. Heard Ms.D.Kamatchi, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents.

3. The petitioner was appointed as part time Vocational Teacher in the fifth respondent School on 06.07.2006. The Government has taken a policy decision to absorb Vocational Instructors for the year 2006-07 for



W.P.No.10749 of 2021

Parent-Teacher Association and issued a Government Order in this regard in G.O.Ms.No.35, School Education (VE) Department, dated 09.02.2007.

In the year 2010 itself the respondents 2 and 3 had called the Vocational Instructors to appear for certificate verification and the petitioner has also participated in the same. Even thereafter, the petitioner's appointment is not regularised. Hence the petitioner has filed this Writ Petition to regularise his services.

4. A similarly placed person has filed a Writ Petition in W.P.No.11668 of 2013 (K.Venkateswaran Vs. State of Tamil Nadu and Others) reported in **2018 SCC Online Mad 5674** in which a direction has been given to implement the Government Order in G.O.Ms.No.35 dated 09.02.2007 which has been issued to regularise 201 part time Vocational Instructors who have been appointed through Employment Exchange by Parent-Teacher Association. The same was challenged by the Government by way of preferring an appeal in W.A.No.165 of 2019 and the same was dismissed. The petitioner was also identified as one among 201 persons. Therefore, the petitioner is also eligible to get the benefit of



W.P.No.10749 of 2021

the above Government Order.

WEB COPY

5. In the result, this Writ Petition is disposed. The respondents are directed to pass orders regularising the services of the petitioner as Vocational Instructor as provided under G.O.Ms.No.35, School Education (VE) Department, dated 09.02.2007 and grant all attendant benefits and the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

25.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



W.P.No.10749 of 2021

WEB COPY

- To
- 1.The Secretary,
Education, Science and Technology,
(H.S.II) Department,
Madras 9.
 - 2.The Director of School Education,
College Road,
Madras 6.
 - 3.The Joint Director of School Education,
Vocational Education,
Madras 6.
 - 4.The Chief Educational Officer,
Thiruvarur District.
 - 5.The Head Master,
Government Higher Secondary School,
Edamelaiyur, Thiruvarur District.



WEB COPY



W.P.No.10749 of 2021

R.N.MANJULA, J.

gsk

W.P.No.10749 of 2021

25.03.2024