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W.P.No.22757 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.22757 of 2021

K.Ramadass

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by the Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The Joint Director of Higher
Secondary (Vocational Education),
College Road,
Chennai 600 006.

... 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 grant time scale of pay of Rs.2000-3500 to the petitioner from the date of regularisation in the post of Vocational Instructors in Commerce group and to grant arrears of salary.



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For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.R.Neethi Perumal, GA

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to grant time scale of pay of Rs.2000-3500 to the petitioner from the date of regularisation in the post of Vocational Instructors in Commerce group and to grant arrears of salary.

2. Heard Mr.R.Saseetharan, learned counsel for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate for the respondents.

3. The petitioner got appointed as Vocational Instructor on 14.08.1979 and his services have been regularised in the said post with effect from 23.09.1994 in the regular time scale of Rs.1400 -2600. As per the Government Order in G.O.Ms.No.840 dated 13.07.1990, the scale of pay should be Rs.2000-3500, in view of the 5th pay commission pay revision. Similarly placed person has been given with the benefit by



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getting orders in W.P.No.32121 of 2006 by virtue of the order dated 05.01.2010. The respondents challenged the said order by way of preferring a Writ Appeal and the Writ Appeal was also rejected.

4. However, the learned Government Advocate for the respondents submitted that in the case referred above, the petitioner is a teaching staff and the petitioner in this Writ Petition is a non-teaching staff.

5. In fact, the Computer Instructor can take class for vocational stream and the vocational teacher has also been extended with the benefit of 5th pay commission and his salary has been revised as Rs.2000 -3500. In fact in the above decision relied by the petitioner also it is seen that the teacher who got the benefit is from vocational stream. Since the petitioner is a Computer Instructor and he is also taking classes for +2 students, his services should also be recognised as teaching service or the teaching staff of vocational stream. Since the similarly placed person has already been given with the benefit and that has been upheld by the orders of this Court, this Writ Petition is deserved to be allowed.



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6. In view of the above stated reasons, this Writ Petition is allowed and the respondents are directed to grant time scale of pay of Rs.2000-3500 to the petitioner from the date of regularisation in the post of Vocational Instructor in Commerce group with all attendant benefits within a period of six weeks from the date of receipt of a copy of this order. No costs.

09.01.2024

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



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To

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R.N.MANJULA, J.

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