



W.P.(MD)No.7651 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7651 of 2021

M.Shanmuganathan

... Petitioner

Vs.

1.The Government of Tamilnadu,
represented 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,
Ramnad District,
Ramnad.

5.The Headmaster,
Government Higher Secondary School,
Mudukulathore,
Ramnad District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing 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.

For Petitioner : Mrs.Porkodi Karnan
for M/s.Polax Legal Solutions

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing 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. The petitioner possesses a diploma in Mechanical Engineering. On the basis of the resolution of the Parent Teachers' Association of the fourth respondent school, he was appointed as a part time Vocational Teacher for Mechanical Engineering in the fourth respondent school on 01.08.2001. The petitioner is working from the date of appointment till date continuously and



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was provided with a consolidated payment of Rs.400/- per month. The appointments have been regularized by the Government now and then, vide G.O.Ms.No.35, School Education (VE) Department, dated 09.02.2007 and the government had regularised the service of Vocational Instructors who were similarly placed like the petitioner in Government Schools and Government Aided Schools. After continuous request from the unregularized Vocational Instructors, the third respondent vide proceedings bearing Na.Ka.No. 13758/V1/E1/2010 dated 08.07.2010, required the Vocational Instructors having full qualification to appear for certificate verification. The petitioner had duly participated in the certificate verification which was held as early as on 13.07.2010, following which the third respondent had found 271 Vocational Instructors as fully qualified persons. Subsequently vide proceedings bearing Na.Ka.No.13758/V1/E1/2010 dated 28.09.2018, yet another 171 Vocational Instructors who were continuously working were also identified. That apart, as per proceedings of the third respondent dated 13.01.2020, the certificate verification for the second set of 171 Vocational Instructors was proposed to be conducted. However, the same was postponed without conducting the said exercise in view of the pandemic situation which prevailed during the year 2020. Hence such verification was undertaken by the Chief Educational officer concerned and was forwarded to the second and



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third respondents for further action. Since the petitioner's case for certificate verification was kept in abeyance endlessly, this writ petition came to be filed.

3. Mrs.Porkodi Karnan, the learned counsel for the petitioner submitted that on 29.10.2020, the second respondent vide proceedings in Na.Ka.No. 13758/V1/E1/2013, finalized the list of total number of 171 Vocational Instructors for regularisation and the petitioner was placed in Sl.No.34 of the said list and the said list was forwarded before the first respondent for proper action. However, even after a period of more than four years, the same has not been dealt with by the first respondent and proper orders has not been passed and on that basis, the learned counsel press for allowing the writ petition.

4. The fourth respondent has filed a counter affidavit and the Mr.Sarangan, learned Additional Government Pleader appearing for the respondents submitted that the petitioner was appointed as part time Vocational Instructor on 01.08.2001 in the fifth respondent school on a consolidated pay in an un-sanctioned post and further vide G.O.No.991 dated 16.07.1990 ban orders for appointment of Vocational Instructors through Parent Teacher Association without prior permission from the Director of School Education was also in subsistence and in view of the same, he pressed for the dismissal of the writ petition.



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5. Taking cue from G.O.Ms.No.35, School Education Department dated 09.02.2007, which was issued to fill up various vacant posts of Vocational Instructors in which similarly placed persons like the petitioner was regularized, this Court is of the considered view that the petitioner's case should also be positively considered by the third respondent in view of the proceedings of the second respondent dated 29.10.2020.

6. Accordingly, this writ petition is allowed. Directing the respondent to absorb the petitioner as full time Vocational Instructors Grade II as per seniority in terms of G.O.Ms.No.35, School Education (VE) Department, dated 09.02.2007, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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L.VICTORIA GOWRI, J.

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- 1.The Secretary, Government of Tamilnadu,
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,
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