



W.P(MD)No.7693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.7693 of 2024

1.G.Suresh

2.S.Dhamodaran

3.K.Rajkumar

4.S.Sundar

5.R.Revathy

6.R.Subhasini

7.J.Pravin

8.A.Darbin Lal

9.S.Jerine Leena Mary

10.S.Linson

... Petitioners

Vs.

1.The Secretary,
School Education,
St.George Fort, Chennai.

2.The Director of School Education,
School Education Department,
College Road, Chennai.



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3.The Joint Director (Vocational),
School Education Department,
College Road, Chennai.

4.The Chief Educational Officer,
Madurai.

5.The District Educational Officer,
Madurai.

6.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

7.The District Educational Officer,
Nagercoil, Kanyakumari District.

8.The Chief Educational Officer,
Kukkurakulam, Tirunelveli,
Tirunelveli District-627 009.

9.The District Educational Officer,
Kukkurakulam, Tirunelveli,
Tirunelveli District-627 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representations of the petitioners' dated 15.03.2024, 18.03.2024, 19.03.2024, 20.03.2024 and 21.03.2024 for regularization and approval of the appointment as Vocational Teachers along with the proposal for regularization of the Voacational teahers as pre the proceedings of the 2nd respondent in Na.Ka.No.13758/V1/E1/2013, dated 27.02.2024 within the time stipulated by this Court.



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For Petitioners : Mr.M.Kannan

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the representations of the petitioners' dated 15.03.2024, 18.03.2024, 19.03.2024, 20.03.2024 and 21.03.2024 for regularization and approval of the appointment as Vocational Teachers along with the proposal for regularization of the Vocational Teachers as per the proceedings of the 2nd respondent in Na.Ka.No.13758/V1/E1/2013, dated 27.02.2024.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioners were selected and appointed as Vocational Teachers in various schools on various dates. The department of School Education through G.O.Ms.No.35, dated 09.02.2007 had chosen to regularize the service of about 213 Vocational Teachers out of the 622 part time Vocational Teachers. Many of the Vocational Teachers who were appointed prior to 20.09.1996 have



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already retired from service and in those regular vacancies, the petitioners and other similarly placed persons have been appointed based upon the qualifications in the respective schools. Many other Vocational Teachers who were recruited after 20.09.1996 apart from the 201 persons were regularized as per G.O.Ms.No.35. Now, there are only about 171 eligible persons out of the 622 persons mentioned in G.O.Ms.No.35. The 2nd respondent by his proceedings, dated 27.02.2024 has called for a report from the Chief Educational Officers of all districts regarding the list of persons who were appointed prior to 09.02.2007 and who are yet to be regularized. Out of the remaining 171 persons, most of the persons are on the verge of retirement and conferment of such belated regularization will not give much benefit to them. Whereas the petitioners and similar other persons have been appointed in the regular vacancies in the alternative sanctioned posts of Vocational Teachers even prior to 20.09.1996. Hence, the petitioners made several representations seeking regularization and approval of the appointment of the petitioners as Vocational Teachers with the proposal for regularization of the Vocational Teachers as per the proceedings of the 2nd respondent in Na.Ka.No. 13758/V1/E1/2013, dated 27.02.2024. Since the same was not considered, this writ petition came to be filed.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court hereby direct the respondents to consider the representations of the petitioners, dated 15.03.2024, 18.03.2024, 19.03.2024, 20.03.2024 and 21.03.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

27.03.2024

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

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L.VICTORIA GOWRI, J.

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