



W.P.(MD)No.6016 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.6016 of 2019

and

W.M.P.(MD).No.4820 of 2019

A.Alexandar

... Petitioner

Vs.

1.The Chief Educational Officer,
Kanyakumari District.

2.The District Educational Officer,
Thuckalay, Kanyakumari District.

3.The Correspondent,
Christucoil L.M.S. Higher Secondary School,
Palliyadi,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the second respondent herein in Na.Ka.No. 7308/A2/2018, dated 11.01.2019, quash the same and further Direct the respondents 1 & 2 herein to approve forthwith the appointment of petitioner as Craft Teacher (Agriculture) in the third respondent-school from 01.06.2010 onwards with salary and other attendant benefits.



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For Petitioner : Mr.Ajith Geethan,
for Mr.E.V.N.Siva

For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate

For R-3 : No Appearance

ORDER

This Writ Petition has been filed challenging the impugned order dated 11.01.2019, passed by the second respondent, refusing to approve the petitioner as Craft Teacher (Agriculture) in the third respondent School with effect from 01.06.2010 and disburse the salary and all other attendant benefits to the petitioner.

2. The petitioner is aggrieved by the impugned proceedings on account of the following :

(A). The respondents have erroneously rejected the request of the third respondent School for approving the appointment of petitioner in the third respondent School as Craft Teacher (Agriculture) with effect from 01.06.2010 by relying G.O.(Ms).No. 39, School Education (D1) Department, dated 21.03.2003 and disburse his salary and all other attendant benefits.



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3. According to the petitioner, the post of Craft Teacher(Agriculture) is a sanctioned post in the third respondent School and the approval to the appointment of petitioner was rejected through the impugned proceedings. The petitioner also contends that the Craft Teacher (Agriculture) post is a sanctioned post and therefore, the respondents ought to have granted approval, but, erroneously, the same has been rejected under the impugned order.

4. A counter affidavit has been filed by the respondents denying the contentions of the petitioner. They would rely upon G.O.(Ms).No. 39, School Education (D1) Department, dated 21.03.2003, to deny the relief sought for by petitioner.

5. G.O.(Ms).No. 39, School Education (D1) Department, dated 21.03.2003, was the subject matter of interpretation by this Court as well as by the Hon'ble Supreme Court. The contentions raised by the respondents in this Writ Petition were also the subject matter of consideration by this Court as well as by the Hon'ble Supreme Court. Finally, the Hon'ble Supreme Court, by its Order dated 26.09.2024 in S.L.P.(C).Nos. 22199 of 2019 etc., batch, dismissed the said Special Leave Petitions filed by the State aggrieved by the orders passed by the learned Single Judge of this Court as well as by the Division



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Bench of this Court, wherein, the order passed by the respondents refusing to sanction for converting the post of Pre-Vocational Instructor (Agriculture) to the post of Sewing Mistress was quashed and the conversion sought for by the respective petitioners were granted. A similar prayer is sought for by the petitioner in this Writ Petition.

6. Apart from deciding the aforementioned issue, this Court had also held in the aforesaid decisions rendered by it that approval for the post of Pre-Vocational Instructor (Agriculture) being a single cadre post cannot be rejected. The same has also been upheld by the Hon'ble Supreme Court in a batch of Special Leave Petitions referred to supra filed by the respondents, by its Order dated 26.09.2024.

7. Since the law is now well settled that the Pre-Vocational Instructor (Agriculture) post is a single cadre post and cannot be treated as surplus and the appointment of the petitioner as Pre-Vocational Instructor (Agriculture) post is legally permissible, this Court is of the considered view that the impugned order passed by the second respondent will have to be quashed and this Writ Petition will have to be allowed.



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8. Accordingly, the impugned order issued by the second respondent, dated 11.01.2019, refusing to approve the appointment of the petitioner as Craft Teacher (Agriculture) in the third respondent School with effect from 01.06.2010 is hereby quashed and this Writ Petition is allowed by directing the Chief Educational Officer, Kanyakumari, to approve the appointment of petitioner in the third respondent School as Craft Teacher (Agriculture) with effect from 01.06.2010 and disburse his salary with all other attendant benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

17.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Chief Educational Officer,
Kanyakumari District.
- 2.The District Educational Officer,
Thuckalay, Kanyakumari District.
- 3.The Correspondent,
Christucoil L.M.S. Higher Secondary School,
Palliyadi,
Kanyakumari District.



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ABDUL QUDDHOSE, J.

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