



W.P.(MD)No.12508 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12508 of 2018

S.Prair Athisaya Thangam

... Petitioner

Vs.

- 1.The Secretary to the Government,
Department of School Education,
St., George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Tenkasi, Tirunelveli District
- 5.The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur,
Tirunelveli 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 proceedings issued by the 4th Respondent (District Educational Officer) in Na.Ka.No.938/Aa3/2018 dated 09.05.2018 and quash the same and



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consequently direct the respondents to pass appropriate orders permitting the conversion of the post of instructor in Agricultural into instructor in sewing with all other consequential service and monetary benefits w.e.f.,08.01.2018 within the stipulated time.

For Petitioner : Mr.S.Chellapandian

For R-1 to R-4 : Mr.T.Amjad Khan,
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned proceedings dated 09.05.2018 passed by the fourth respondent refusing to approve the appointment of the petitioner as Sewing Mistress in the fifth respondent School with effect from 08.01.2018 by sanctioning the conversion of the Pre-Vocational post of Agriculture Teacher into that of Sewing Mistress 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 treated the sanctioned post of Pre-Vocational Instructor as surplus; and



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(B). The respondents have erroneously rejected the request of the fifth respondent School for approving the appointment of the petitioner in the said School as Sewing Mistress with effect from 08.01.2018 by sanctioning the conversion of the Pre-Vocational post of Agriculture Teacher to that of Sewing Mistress and disburse her salary and all other attendant benefits.

3. According to the petitioner, the Sewing Mistress post is equivalent to Pre-Vocational post of Agriculture Teacher and therefore, the conversion sought for by the petitioner as stated supra, ought to have been granted, but, erroneously, the same has been rejected under the impugned orders.

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 the petitioner School.

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



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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 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 was granted. A similar prayer is sought for by the petitioner in this Writ Petition.

6. Since the law is now well settled that the conversion of the Pre-Vocational Instructor (Agriculture) post to the Sewing Mistress post is legally permissible, this Court is of the considered view that the impugned order passed by the fourth respondent will have to be quashed and this Writ Petition will have to be allowed.

7. Accordingly, the impugned order dated 09.05.2019, passed by the fourth respondent, refusing to approve the appointment of the petitioner in the fifth respondent School with effect from 08.01.2018 is hereby quashed and this Writ Petition is allowed by directing the District Educational Officer / fourth



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respondent to approve the appointment of the petitioner, viz., S.Prair Athisaya Thangam as Sewing Mistress with effect from 08.01.2018 by sanctioning the conversion of the Pre-Vocational post of Agriculture Teacher into that of Sewing Mistress post and disburse her 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.

17.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To:-

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ABDUL QUDDHOSE, J.

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