



W.P.(MD)No.13929 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.13929 of 2018
and
W.M.P.(MD).No.12659 of 2018

V.Mercy Ratnabai

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli-627 001.

... 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 third respondent herein vide O.Mu.No. 60/Aa2/18 dated 08.01.2018, quash the same and further direct the second respondent herein to approve the petitioner's appointment as Pre Vocational



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Instructor (Sewing) in the fourth respondent school w.e.f. 06.09.2017 onwards with salary and other attendant benefits.

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

For R-1 to R-3 : Mr.T.Amjad Khan,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 08.01.2018, passed by the third respondent, refusing the approval of petitioner as Sewing Mistress in the fourth respondent school with effect from 06.09.2017 by sanctioning the conversion of Pre-Vocational Instructor post of Weaving Teacher into that of Sewing Mistress and disburse the salary and all other attendant benefits.

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

(A). The respondents have erroneously rejected the request of the fourth respondent School for approving the appointment of petitioner in the fourth respondent School as Sewing Mistress with effect from 06.09.2017 by sanctioning the conversion of Pre-Vocational Instructor post of Weaving



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Teacher to that of Sewing Mistress and disburse her salary and all other attendant benefits.

3. According to the petitioner, the post of Pre-Vocational Instructor (Weaving) is a sanctioned post in the fourth respondent school and the approval to the appointment of petitioner was rejected through the impugned proceedings. The petitioner also contends that the Sewing Mistress post is equivalent to Pre-Vocational Instructor post of Weaving Teacher post and therefore, the conversion sought for by the fourth respondent School as stated supra, ought to have been 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 as 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



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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 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 the Pre-Vocational Instructor (Weaving) being a sanctioned post the respondents could not have rejected the approval of petitioner. 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 (Weaving) post is a Sanctioned post and the conversion of the Pre-Vocational Instructor (Weaving) post to the Sewing Mistress post is legally permissible,



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this Court is of the considered view that the impugned order passed by the third respondent will have to be quashed and this Writ Petition will have to be allowed.

8. Accordingly, the impugned order issued by the third respondent, dated 08.01.2018, refusing to approve the appointment of petitioner as Sewing Mistress in the fourth respondent school with effect from 06.09.2017 is hereby quashed and this Writ Petition is allowed by directing the Chief Educational Officer, Tirunelveli to approve the appointment of petitioner in the fourth respondent school as Sewing Mistress with effect from 06.09.2017 by sanctioning the conversion of Pre-Vocational Instructor post of Weaving 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. Consequently, the connected miscellaneous petition is closed.

17.10.2024

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



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- To**
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ABDUL QUDDHOSE, J.

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