



W.P.(MD)No.9686 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.9686 of 2015

The Correspondent,
St.Joseph's Middle School,
Thambupuram,
Tirunelveli District-627 108.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort.St.George, Chennai 9.

2.The Director of Elementary Education,
College Road,
Chennai 6.

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

4.The Additional Assistant Elementary Educational Officer,
Nanguneri,
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 staff fixation for the year 2013-2014 issued by the third



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respondent District Elementary Educational Officer dated 31.03.2014 rendering one post of Pre Vocational Instructor as surplus and the consequential proceedings issued by the AAEEEO (4th respondent herein) in A.Thi.Mu.No. 267/A4/2015, dated 25.02.2015, refusing to approve the appointment of Pre-Vocational Instructor, quash the same and further direct the third respondent DEEO herein to approve forthwith the appointment of the Sewing Mistress R.Anne Leema Victoria in the petitioner School w.e.f. 15.10.2014 by sanctioning the conversion of the vocational post of Agriculture Teacher into that of Sewing Mistress and disburse the salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheeshkumar,
for M/s.Isaac Chambers

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

This Writ Petition has been filed challenging the staff fixation order dated 31.03.2014 passed by the third respondent and the consequential order dated 25.02.2015 passed by the fourth respondent refusing to appoint R.Anne Leema Victoria as Sewing Mistress in the petitioner School with effect from 15.10.2014 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.



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WEB COPY 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

(B). The respondents have erroneously rejected the request of the petitioner School for approving the appointment of R.Anne Leema Victoria in the petitioner School as Sewing Mistress with effect from 15.10.2014 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, being a single cadre sanctioned post, the respondents ought not to have declared the post of Pre-Vocational Instructor (Agriculture) in the petitioner School as surplus, through the impugned proceedings. The petitioner also contends that 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.



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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 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.



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6. Apart from deciding the aforementioned issue, this Court had also held in the aforesaid decisions rendered by it that the Pre-Vocational Instructor (Agriculture) being a single cadre post cannot be treated as surplus. 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 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 orders passed by the third and fourth respondents respectively will have to be quashed and this Writ Petition will have to be allowed.

8. Accordingly, the impugned staff fixation order for the year 2013-2014 issued by the third respondent, dated 31.03.2014, rendering one post of Pre-Vocational Instructor for the petitioner School as surplus as well as the consequential order, dated 25.02.2015, passed by the fourth respondent, refusing to approve the appointment of R.Anne Leema Victoria as Sewing Mistress in the petitioner School with effect from 15.10.2014 are hereby



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quashed and this Writ Petition is allowed by directing the District Educational Officer (Elementary), Valliyoor, to approve the appointment of R.Anne Leema Victoria in the petitioner School as Sewing Mistress with effect from 15.10.2014 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

Copy To:-

- 1.The District Educational Officer (Elementary),
Valliyoor.



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To:-

WEB COPY

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort.St.George, Chennai 9.
- 2.The Director of Elementary Education,
College Road,
Chennai 6.
- 3.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Additional Assistant Elementary Educational Officer,
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ABDUL QUDDHOSE, J.

TSG

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