



W.P.(MD)No.15780 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.15780 of 2018
and
W.M.P.(MD).No.12659 of 2018

T.Gnana Amirtham

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai 600 006.
- 2.The Joint Director of Vocational Education
(Secondary) College Road,
Chennai 600 006.
- 3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District
- 5.The Correspondent,
Sirumalar Higher Secondary School,
Andavooran,
Ramanathapuram 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



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the impugned proceedings issued by the fourth respondent District Educational Officer in O.Mu.No.58/a2/2018, dated 18.01.2018, quash the same, and further direct the first to fourth respondents herein to approve forthwith the appointment of petitioner as Pre- Vocational Instructor (Sewing) in the fifth respondent - school, Sirumalar Higher Secondary School, Andavoorani w.e.f. 20.12.2017 by converting the Vocational post of Agriculture Teacher into that of Sewing and sanction the salary and all other attendant benefits.

For Petitioner : Ms.A.Amala

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

ORDER

This Writ Petition has been filed challenging the proceedings issued by the fourth respondent / District Educational Officer in O. Mu. No. 58/a2/2018 dated 18.01.2018, refusing to approve the appointment of the petitioner as Sewing Mistress in the 5th respondent School, Sirumalar Higher Secondary School, Andavoorani w.e.f., 20.12.2017 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.

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



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(A). The fourth respondent has erroneously rejected the request of the School in approving the appointment of petitioner in the fifth respondent School as Sewing Mistress with effect from 20.12.2017 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 school as stated supra, ought to have been granted, 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 the 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



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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 Pre-Vocational Instructor (Agriculture) post is a single cadre post 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 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 18.01.2018, passed by the fourth respondent refusing to approve the appointment of petitioner as Sewing Mistress in the fifth respondent School with effect from 20.12.2017 is hereby



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quashed and this Writ Petition is allowed by directing the third respondent

Chief Educational Officer, Ramanathapuram District, herein to approve the appointment of petitioner as Sewing Mistress in the fifth respondent school with effect from 20.12.2017 by sanctioning the conversion of 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. Consequently, the connected miscellaneous petition is closed.

17.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Director of School Education,
College Road, Chennai 600 006.
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(Secondary) College Road,
Chennai 600 006.
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Ramanathapuram District.
- 4.The District Educational Officer,
Ramanathapuram,
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5.The Correspondent,
Sirumalar Higher Secondary School,
Andavooran,
Ramanathapuram District



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ABDUL QUDDHOSE, J.

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