



W.P.(MD)No.24528 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.24528 of 2016

Powlin

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Thoothukudi,
Thoothukudi District.

2.The Assistant Elementary Educational Officer,
Kovilpatti,
Thoothukudi District.

3.The Correspondent,
R.C Schools, Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents more particularly the first respondent to approve the post of the petitioner as Handicraft Teacher (sewing) in R.C. Middle School, Lingampatti, based on the application sent by the third respondent dated 30.06.2016.

For Petitioner : Ms.A.Amala

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

For R-3 : No Appearance



W.P.(MD)No.24528 of 2016

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to approve the appointment of the petitioner as Handicraft Teacher (Sewing) in R.C. Middle School, Lingampatti, based on the application submitted by the third respondent dated 30.06.2016.

2. According to the petitioner, the Sewing Mistress post is equivalent to Pre-Vocational post of Handicraft Teacher and therefore, the conversion sought for by the school as stated supra, ought to have been granted.

3. A counter affidavit has been filed by the first respondent 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.

4. 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



W.P.(MD)No.24528 of 2016

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 (Handicrafts) 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.

5. Since the law is now well settled that the Pre-Vocational Instructor (Handicrafts) post is a single cadre post and the conversion of the Pre-Vocational Instructor (Handicrafts) post to the Sewing Mistress post is legally permissible, this Court is of the considered view that a direction will have to be issued to the respondents to approve the appointment of the petitioner as Sewing Teacher in the third respondent School.

6. Accordingly, this Writ Petition is disposed of by directing the first respondent herein to approve the appointment of petitioner as Sewing teacher in the third respondent School with effect from 14.06.2016 by sanctioning the



W.P.(MD)No.24528 of 2016

conversion of the Pre-Vocational post of Handicrafts 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

- 1.The District Elementary Educational Officer,
Thoothukudi,
Thoothukudi District.
- 2.The Assistant Elementary Educational Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Correspondent,
R.C Schools, Kovilpatti,
Thoothukudi District.



WEB COPY



W.P.(MD)No.24528 of 2016

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.24528 of 2016

17.10.2024