



W.P.(MD).No.19900 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Hindu Nadar Uravinmurai Committee
Higher Secondary School,
Represented by its Secretary /
Correspondent,
S.Muthiah,
S/o.Sivasubbu Nadar,
Ariyanayagipuram,
Kadayanallur Taluk,
Tirunelveli District.

... Petitioner

Vs.

- 1.The Director of School Education,
Directorate of School Education,
Chennai-6.
- 2.The Joint Director of Higher
Secondary School Education,
Chennai-6.
- 3.The Chief Educational Officer,
Tirunelveli.
- 4.The District Educational Officer,
Sankarankovil, Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein to consider the petitioner's representation dated 29.06.2017 and



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pass necessary orders to convert Pre-Vocational Instructor (Agriculture) into Pre-Vocational Instructor (Sewing) in the light of the order dated 20.02.2018 in W.A.(MD)Nos.22 and 23 of 2017.

For Petitioner : Mr.Vashik Ali,
For Mr.D.Nalla Thambi

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

ORDER

The prayer of the writ petition reads as follows:

“This writ petition has been filed to direct the respondents 1 to 4 herein to consider the petitioner's representation dated 29.06.2017 and pass necessary orders to convert Pre-Vocational Instructor (Agriculture) into Pre-Vocational Instructor (Sewing) in the light of the order dated 20.02.2018 in W.A.(MD)Nos.22 and 23 of 2017.”

2. Heard, Mr.Vashik Ali, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents and carefully perused the materials available on record.



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3. The petitioner's school is a Private Aided Higher Secondary School administered and managed by the educational agency, namely, Ariyanayagipuram Hindu Nadar Uravin Murai Uyar Thuvakkapalli Sangam (Reg. No.13/1964). As per the staff fixation made by the 3rd respondent dated 27.09.2017, the sanctioned staff strength is 8 (7+1). The petitioner's school comprises two groups, namely, Maths-Biology and History-Economics. For the aforesaid groups, another sanctioned post of Pre-Vocational Instructor (Agriculture) is available. However, when the school was in direct management, the said post was declared as surplus post in view of the policy decision of the state Government. The said policy decision was challenged by various educational institutions.

4. The said matter was settled by this Court in W.P.(MD)No.1764 of 2010 in favour of the educational institutions and the writ petitions were allowed on 11.11.2014. When the matter was taken in writ appeals in W.A. (MD)Nos.22 an 23 of 2017 and W.A.(MD)Nos.117,149,407 and 548 of 2016 before this Court, the same were dismissed. The Special Leave Petition preferred as against the same was also dismissed on 26.09.2024. In view of the same, the benefit of the order passed by this Court in W.P.(MD)No.1764 of 2010 etc., would be beneficially applicable to the case in hand as well.



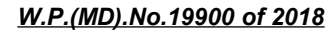
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5. In yet another case in W.P.(MD)No.15780 of 2018 dated 17.10.2024, this Court has dealt with a similar case and the relevant portion of the same is extracted as follows:

“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.

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 PreVocational Instructor (Agriculture) post to the Sewing Mistress



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L.VICTORIA GOWRI, J.

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