



W.P.(MD).No.18520 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.18520 of 2017

Everest Mariyappa Nadar,
Higher Secondary School,
Represented by its Secretary,
Jothi Nagar, Kovilpatti,
Tuticorin District.

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

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

3.The Chief Educational Officer,
Tuticorin,
Tuticorin District.

4.The District Educational Officer,
Kovilpatti,
Tuticorin District.

... Respondents



W.P.(MD).No.18520 of 2017

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent herein in Na.Ka.No.270/A3/2017 dated 25.01.2017, quash the same and further direct the third respondent herein to grant permission to fill up the post of Vocational Instructor in the petitioner's School.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

Heard Mr.E.V.N.Siva, learned counsel for the petitioner and Mr.V.Om Prakash, learned Government Advocate for the respondents.

2. The Writ Petition has been filed challenging the order of the third respondent dated 25.01.2017 refusing to grant permission to fill up the sanctioned post of Vocational Instructor.

3. The reason assigned by the authority is that under G.O.Ms.No.9 School Education (VE) Department dated 06.01.2009, a decision has



W.P.(MD).No.18520 of 2017

been taken not to permit filling up of the Vocational Instructors on and from the academic year 2007-2008. It is the case of the petitioner School that the person holding the post of Vocational Instructor had attained the age of superannuation on 30.04.2017. The aforesaid Government Order in G.O.Ms.No.9 had been upheld by this Court. Reliance had been placed upon by the subsequent Government Order issued by the Government in G.O.Ms.No.142 School Education (SE7-1) Department dated 13.07.2018. The said Government Order had been issued based on the announcement made by the Ministry for School Education in Tamil Nadu Legislative Assembly on 30.05.2018 based upon the policy taken by the Government of India. The said Government Order further envisages that Vocational Education as approved by the Project approval Board shall be introduced in the annexed mentioned schools and also to be extended to various Schools in the course of time. Clause vii of the said Government Order also envisages that the vocational stream at classes XI and XII shall continue to exist in the same manner without any disturbances/change. The petitioner's claim is that the School had continued with its Vocational Instructor when the said Government Order was issued and therefore the respondents ought to have granted the approval.



W.P.(MD).No.18520 of 2017

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4. It is noted that the impugned order, dated 25.01.2017, was passed by the third respondent prior to the issuance of the Government Order relied upon by the petitioner. Since the Government Order in G.O.Ms.No.9 has already been upheld, the impugned order based on it does not suffer from any infirmity. However, the petitioner is at liberty to approach the authorities by taking recourse to G.O.Ms.No.142 dated 13.07.2018. If any such request is made by the petitioner, the same shall be considered by the respondents in accordance with the aforesaid Government Order and further guidelines framed therein.

5. With the above liberty, this Writ Petition stands dismissed. There shall be no order as to costs.

25.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.18520 of 2017

To:
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W.P.(MD).No.18520 of 2017

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.18520 of 2017

25.11.2024