



W.P.(MD)No.22139 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.22139 of 2017

A.Thangaleethial Selvapackiam

... Petitioner

/Vs./

- 1.The District Elementary Educational Officer,
Tuticorin.
- 2.The Additional Assistant Elementary Educational Officer,
Pudukottai, Thoothukudi District.
- 3.The Correspondent,
TNDTA Perinbam Ammal Middle School,
Korampallam,
Thoothukudi District.
- 4.State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Secretariat, Chennai.
- 5.The Director of Elementary Education,
Chennai – 6.

... Respondents

(R4 & R5 are impleaded vide order dated 20.08.2019 in WMP(MD)No. 14494 of 2019.)



W.P.(MD)No.22139 of 2017

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to approve the appointment of the petitioner as Pre-Vocational Instructor in Sewing from the date of appointment i.e. from 12.07.2010, and confer all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan (R1, R2, R4 & R5)

Government Advocate

No appearance (R3)

ORDER

This writ petition has been filed for a mandamus, seeking for a direction to the official respondents to approve the appointment of the petitioner as Pre-Vocational Instructor in Sewing from the date of appointment i.e. from 12.07.2010, and to confer all consequential benefits to him.

2. According to the petitioner, the proposal submitted by the third respondent school seeking for approval for the appointment of the



W.P.(MD)No.22139 of 2017

petitioner as Pre-Vocational Instructor in Sewing with effect from the date of his appointment ie., from 12.07.2010 is kept pending on the ground that the third respondent school is having surplus teachers.

3. It is settled law as laid down by various decisions of this Court that sanctioned single cadre post cannot be treated as surplus. The petitioner claims that the post of Pre-Vocational Instructor in Sewing is a sanctioned post and is also a single cadre post and therefore, the same cannot be treated as surplus.

4. No prejudice will be caused to the official respondents, if the proposal submitted by the third respondent school for approving the appointment of the petitioner as Pre-Vocational Instructor in Sewing from the date of appointment i.e., from 12.07.2010, is considered on merits and in accordance with law, in the light of the well settled law that Pre-Vocational Instructor in Sewing post being a single cadre post cannot be treated as surplus.



W.P.(MD)No.22139 of 2017

WEB COPY

5. For the foregoing reasons, this Court directs the third respondent school to submit a fresh proposal, seeking for approval for the appointment of the petitioner as Pre-Vocational Instructor in Sewing from the date of appointment i.e., from 12.07.2010, to the first respondent through the second respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said proposal, the first respondent shall pass final orders on merits and in accordance with law, in the light of the well settled law that the post of Pre-Vocational Instructor in Sewing is a single cadre post and cannot be treated as surplus, within a period of twelve weeks thereafter.

6. With the aforesaid direction, this writ petition is disposed of.

No costs.

23.10.2024

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.22139 of 2017

WEB COPY

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W.P.(MD)No.22139 of 2017

ABDUL QUDDHOSE, J.

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Order made in
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