

W.P.No.9029 of 2012
and M.P.Nos.1 and 2 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9029 of 2012
and M.P.Nos.1 and 2 of 2012

N.Athisayakani

... Petitioner

Vs.

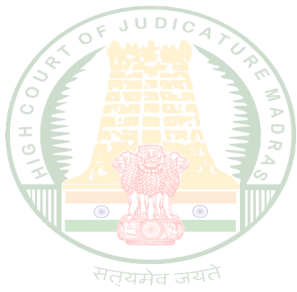
1.The State of Tamilnadu,
Rep. by its Secretary to Government School
Education Department,
Fort St. George, Chennai - 9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Joint Director,
(Vocational) Education,
College Road, Chennai-6.

4.The Chief Educational Officer,
Nagercoil,
Kanyakumari District-629 001.

5.The District Educational Officer,
Thuckalay and Post, Kanyakumari District.



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6.The Correspondent,
Little Flowers Girls Higher Secondary School,
Ramanputhur, Nagercoil,
Kanyakumari District.

... Respondents

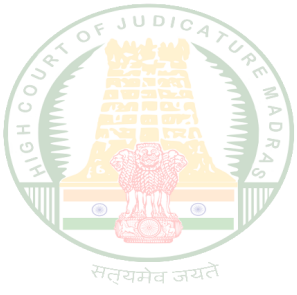
Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the second respondent in Mu.Mu.No.59932/V1/E3/2011 dated 20.12.2011 and quash the same and consequently direct the respondents 1 to 5 to absorb the petitioner as full time Vocational Instructor Grade II and pay the time scale of pay as per G.O.Ms.No.35 dated 09.02.2007.

For Petitioner : Ms.P.Mahalakshmi

For Respondents : Ms.Akila Rajendiran
Government Advocate

ORDER

This writ petition has been filed seeking Writ of Certiorarified Mandamus, to call for the records relating to the order of the second respondent in Mu.Mu.No.59932/V1/E3/2011 dated 20.12.2011 and to quash the same while seeking a consequential direction to the

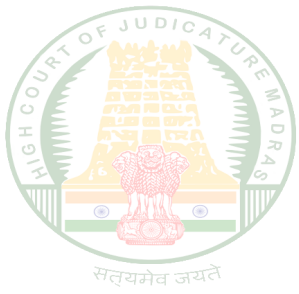


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WEB COPY respondents 1 to 5 to absorb the petitioner as full time Vocational Instructor Grade II and pay the time scale of pay as per G.O.Ms.No.35 dated 09.02.2007.

2. The petitioner herein was initially appointed as Vocational Instructor of Office Secretaryship in the sixth respondent school on 01.08.1996 in a sanctioned post by the Parents - Teachers Association of Government Higher Secondary School and thereafter, sent proposal to the fourth respondent in proceedings Na.Ka.No.128196 dated 04.04.1997 to absorb the services of the petitioner into the time scale.

2.1. Thereafter, the services of the Vocational Instructors who were similarly appointed and continued in service as that of the petitioner herein have been considered for absorption under various Government Orders namely G.O.Ms.No.1719 dated 14.09.1978, G.O.Ms.No.834 dated 23.09.1994 and G.O.Ms.No.358 dated 18.08.1997.

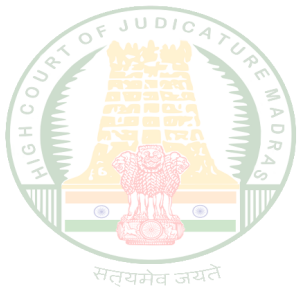


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2.2. It was thereafter the Government sanctioned 361 full time vocational posts in various schools in favour of various persons who were appointed as Vocational Instructors prior to 20.09.1996 vide G.O.Ms.No.74, School Education Department dated 10.06.2002 and thereafter, by issuing G.O.Ms.No.35, School Education (V.E) Department dated 09.02.2007 the service of 178 Vocational Instructors was regularised. However, the case of the petitioner was not considered though several persons who are appointed subsequent to the petitioner have been regularised.

2.3. Under those circumstances, the petitioner submitted various representations and also approached this Court by filing W.P.No.6701 of 2007 and it was pursuant to the orders passed therein, the claim of the petitioner was considered by the second respondent and rejected through proceedings Mu.Mu.No.59932/V1/E3/2011 dated 20.12.2011 on the ground that the fourth respondent submitted the proposal for absorption belatedly that too after issuance of orders in



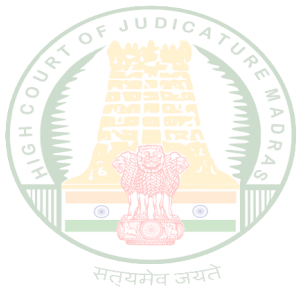
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WEB COPY G.O.Ms.No.35, School Education (V.E) Department dated 09.02.2007. It is aggrieved by the said proceedings dated 20.12.2011, the petitioner approached this Court by filing the present writ petition.

3. Heard Ms.P.Mahalakshmi, learned counsel appearing for the petitioner and Ms.Akila Rajendiran, learned Government Advocate appearing for the respondents.

4. During the course of hearing, it is brought to the notice of this Court that, the respondents after having issued the impugned proceedings have submitted a list of 15 Vocational Instructors whose names were omitted to be included in the orders issued G.O.Ms.No.35, School Education (V.E) Department dated 09.02.2007. In the said list the name of the petitioner herein was found at S.No.9. It is also further brought to the notice of this Court that under similar circumstances, the person who is at S.No.5, by name K.Venkateswaran of the above said left over list has approached this Court on an earlier occasion by filing W.P. No.11668 of 2013 and this Court, after having examined the matter in

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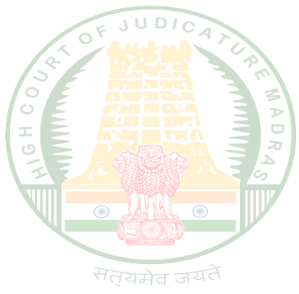


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detail, allowed the said writ petition directing the respondents to pass appropriate orders regularizing the services of the petitioner therein as Vocational Instructor as provided for under G.O.Ms.No.35 dated 09.02.2007 and to grant all attendant benefits such as seniority and other monetary benefits. The operative portion of the said order dated 01.08.2017 reads as under :

“10. The argument advanced by the learned counsel for the petitioner deserves a serious consideration. Earlier when similarly placed persons approached this Court in a batch of writ petitions, being W.P.No.2423 of 2009 etc., this Court has considered the claim of the petitioners therein and passed orders on 21.03.2011 by directing the respondents therein to consider the claim of the petitioners along with similarly placed persons whose services were regularized under various Government Orders. The learned Single Judge of this Court held that since the similarly placed Vocational Teachers who were appointed after 01.04.1992 had been appointed on regular basis, the respondents cannot discriminate the petitioners therein namely, 34 Vocational Instructors, which clearly meant that there was no discretion accorded to the Government to take any other view except to

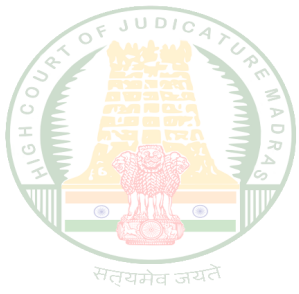


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WEB COPY *pass similar orders and grant regularization to the 34 Vocational Instructors, including the petitioners therein.*

11. Once this Court has come to the categorical conclusion that the petitioners in W.P.No.2423 of 2009 etc. batch, cannot be discriminated in the matter of regularization and a direction was issued on the basis that the persons who were appointed after 01.04.1992 were regularized, there was practically nothing left for the Government to decide except to pass a consequential order of regularization / absorption. Unfortunately, in this case, the respondent authorities have not considered the claim of the petitioner. On the other hand, they evaded to regularise the services of the petitioner.

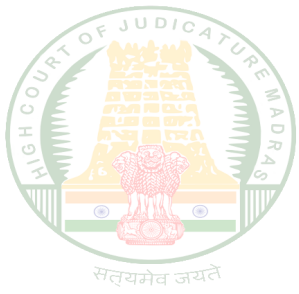
12. It is to be noted that after passing G.O.Ms.No.35, dated 09.02.2007, a list containing 15 names, including the petitioner, whose names were omitted to be included in G.O.Ms.No.35, was sent to the first respondent for consideration. It is seen from the list that the petitioner's name finds place at Serial No.5. It is also to be seen that since Serial No.13 (Sakthivel) was denied regularisation, he filed W.P.(MD) No.3316 of 2008 before the Madurai Bench of Madras High Court seeking to appoint him as Vocational



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WEB COPY *Teacher on regular time scale basis in the sanctioned vacancy in pursuance of G.O.Ms.No.35, dated 09.02.2007. As against the order passed in the writ petition, writ appeal being W.A.(MD) No.208 of 2012 was preferred by Sakthivel. When the writ appeal came up for hearing on 03.11.2016, the learned Special Government Pleader sought time to comply with the order for regularising the services of Sakthivel and pending appeal the first respondent passed G.O.(2D)No.12, dated 23.02.2017 regularising the services of Sakthivel as Vocational Teacher. By the judgment dated 27.02.2017, recording the Government Order, a Division Bench of Madurai Bench of Madras High Court disposed of the writ appeal.*

13. It is pertinent to note that the fact that the petitioner has been fully qualified and has been engaged as Vocational Training Instructor uninterruptedly since his initial appointment has not been disputed and the only reason for his non-regularization appears to be that he was appointed temporarily, which reason, cannot be accepted by this Court on the basis of the admitted fact that the persons who were appointed even after 01.04.1992 had been accommodated and regularized under various Government



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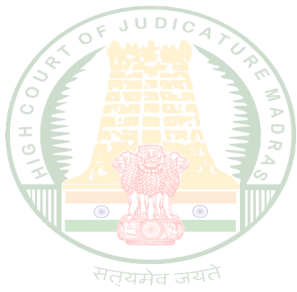
WEB COPY *Orders. If the appointment of the petitioner was temporary, why the respondent authorities have included the name of the petitioner in the list and have also done certificate verification.*

14. There is no convincing reason from the side of the respondents as to why the petitioner was singled out when similarly placed Sakthivel and others were regularised. In this case, it is more than demonstrated that the petitioner has been similarly placed as that of the other Vocational Teachers covered under G.O.Ms.No.35, dated 09.02.2007. Therefore, this Court does not see any reason for denying the petitioner's absorption.

15. In the result:

(a) this writ petition is allowed;

(b) the respondents are directed to pass orders regularizing the services of the petitioner as Vocational Instructor as provided for under G.O.Ms.No.35, dated 09.02.2007 and grant all attendant benefits, viz., seniority and other monetary benefits;

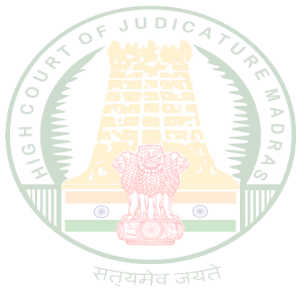


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WEB COPY (c) *the said exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order. No costs."*

5. Though the above said order has been appealed against by the respondents therein by filing W.A.No.165 of 2019, the said writ appeal came to be dismissed by the learned Division Bench of this Court by an order dated 24.01.2019. Further, it is also brought to the notice of this Court that the above said K.Venkateswaran was already extended the benefits of regularisation together with all other consequential benefits.

6. As already noted above, it is not in dispute that the petitioner herein is similarly situated like that of the petitioner in W.P.No.11668 of 2013 who was placed at S.No.5 in the left over list as against the petitioner's place at S.No.9. In the light of the above, this Court does not see any reason to readjudicate the matter on merits once again, as the issue is fully covered by an order already passed by a coordinate bench as confirmed by a Division Bench of this court.



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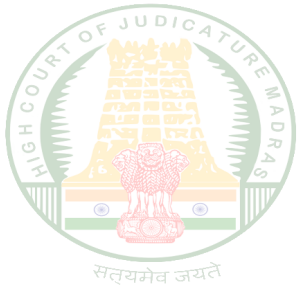
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7. In the circumstances, the impugned proceedings cannot be sustained and the same is accordingly quashed. Consequently, the writ petition is allowed by directing the respondents to regularise the services of the petitioner herein as Vocational Instructor as provided in G.O.Ms.No.35, School Education (V.E) Department, dated 09.02.2007 and grant all attendant benefits such as seniority and other monetary benefits as was extended to petitioner in W.P.No.11668 of 2013. The respondents shall pass appropriate consequential orders as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.08.2025
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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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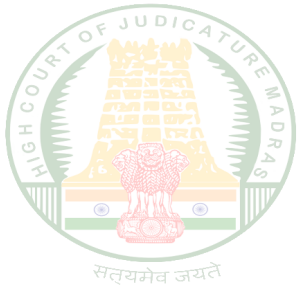


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MUMMINENI SUDHEER KUMAR, J.

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