



W.A.Nos.311 & 309 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

WEB COPY

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.Nos.311 & 309 of 2023

1. The Secretary to Government
Education Department
Government of Tamil Nadu
St. George Fort, Chennai – 600 009.

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

3. The District Educational Officer
Tenkasi, Tirunelveli District.

4. The Chief Educational Officer
Tirunelveli. (now Tenkasi) .. Appellants
in both W.As

Vs.

1. A.Vijaya

2. The Correspondent
St. Mary's Higher Secondary School
Samaria, Manapparai 621 306
Trichy District. .. Respondents in
W.A.No.311 of 2023

1. M.Manimegalai

2. The Correspondent
Punitha Yowan Higher Secondary School
Vadiyur – 627 861
Tirunelveli District. .. Respondents in
W.A.No.309 of 2023

Prayer in W.A.No.311 of 2023: Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.04.2021 made in W.P.No.2721 of 2015; and



W.A.Nos.311 & 309 of 2023

Prayer in W.A.No.309 of 2023: Appeal filed under Clause 15 of the Letters Patent, against the order dated 14.12.2021 made in W.P.No.3139 of 2015.

For the Appellants : Mr.U.M.Ravichandran
in both W.As Special Government Pleader

For the Respondent 1 : Mr.L.Chandrakumar
in W.A.No.311 of 2023

For the Respondent 1 : Mr.R.Kamaraj
in W.A.No.309 of 2023

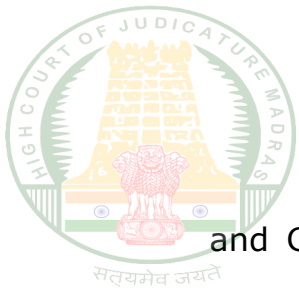
COMMON JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

Since the issue raised in these writ appeals is one and the same, both these writ appeals were heard together and are disposed of by this common order.

2.1. The issue raised in these appeals is that the first respondents in both these writ appeals, who are the contesting respondents and the writ petitioners in the respective writ petitions, have been appointed several years back as Part-time Pre-Vocational Instructor (Craft Teacher). Appointments were made some time in the year 1991. At the time of their appointment, they were appointed only on consolidated pay of Rs.1,625/- per month.

2.2. Subsequently, the Government issued G.O.No.224 (Education, Science and Technology) Department dated 24.03.1994



W.A.Nos.311 & 309 of 2023

and G.O.No.752 (Education, Science and Technology) Department

dated 18.10.1996. These Government Orders provided solace to these Part-Time Pre-Vocational Instructors that those who have completed five years of service as Part-Time Pre-Vocational Instructors would be entitled to be absorbed as Full-Time Vocational Instructors, of course, by giving three months' training as a Secondary Grade Teacher.

2.3. For the reasons best known to the appellant Department, as no specific reasons have been given before the Writ Court or before us, such three months' training has not been given to these two writ petitioners/first respondents. They have been working continuously as Part-Time Pre-Vocational Instructors for several years. At one point of time, since they have not been sent for such training and as they have not been absorbed as Full-Time Vocational Instructors, they approached this Court by filing the said writ petitions in W.P.Nos.2721 & 3139 of 2015.

2.4. W.P.No.2721 of 2015 was decided by the Writ Court on 28.04.2021, followed by the second writ petition, that is W.P.No.3139 of 2015, which was decided on 14.12.2021. The learned Single Judge has taken note of these factual matrix, that

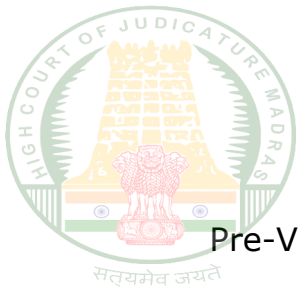


W.A.Nos.311 & 309 of 2023

there has been no plausible reason available on the part of the Department of Education in not sending these teachers for the three months' training, which has been mandated under the two Government Orders.

2.5. Had they have been sent for the three months' training immediately upon the issuance of the said Government Orders, or at least after completion of five years' service, which they have completed in the year 1996, certainly, they would have been absorbed as Full-Time Vocational Instructors. However, without having been sent for training, these teachers have been continuously working for more than thirty years. Insofar as the case of *M.Manimegalai* is concerned, she has already superannuated and in the case of *A.Vijaya*, she is still having some more service left and she is working now.

3.1. We have gone through the impugned orders passed by the learned Single Judge of the Writ Court, where the Writ Court has found that no such conditions have been prescribed in G.O.No.224 (Education, Science and Technology) Department dated 24.03.1994, to prolong, for years together, such three months' training and to keep the writ petitioners as Part-Time



W.A.Nos.311 & 309 of 2023

Pre-Vocational Instructors. Therefore, such non-sending of these Teachers for the three months' training cannot be attributable on the Teachers, but such blame is to be made only on the Department.

3.2. Moreover, they have worked for almost thirty years, when that being so, whatever skill they had to acquire by getting such three months' training would have been already acquired by them by virtue of the long service that they have rendered in the School and therefore, at this point of time, at the verge of their retirement or just before superannuation, the gesture of sending them for the three months' training may not be a useful one, which may not, in fact, be necessitated, was held by the learned Single Judge.

3.3. We are in complete agreement with the said view taken by the learned Single Judge of the Writ court for the reason that normally, these kind of short time training would be provided by the concerned Government/Department only to acquire the skill of handling the classes in the upcoming years for the entire career of the teachers. Here, in the case in hand, without these teachers being sent for such training, they have been pressed into service for



W.A.Nos.311 & 309 of 2023

all these years and they have rendered unblemished service for decades together. When that being so, the question of not giving such training would no way hamper the prospects of these teachers in rendering their service to the satisfaction of the employer, as that has become evident as no complaints whatsoever has been leveled against them as of now.

3.4. Therefore, such reasoning given through the impugned orders, by giving directions to the concerned Department to confer the benefit of Full-Time Pre-Vocational Instructor to these teachers without claiming any seniority to them, by calculating the arrears of pay and pay to them, is the only direction given by the learned Single Judge, which in our considered view, is to be accepted and be sustained.

4.1. In that view of the matter, we do not find any reason to interfere with the orders impugned herein, passed by the Writ Court in both the writ petitions. Resultantly, both these writ appeals fail, hence, are liable to be dismissed. Accordingly, these writ appeals stand dismissed.



W.A.Nos.311 & 309 of 2023

4.2. The appellants are directed to comply the orders passed by the Writ Court through the impugned orders within a period of three months from the date of receipt of a copy of this order. It is also clarified that once the writ petitioners are brought under the Full-Time job, based on which their pay is fixed and arrears are calculated and paid, based on the same, on the date of superannuation, their last drawn pay shall be taken into account and their pensionary benefits be calculated and paid to the writ petitioners/first respondents.

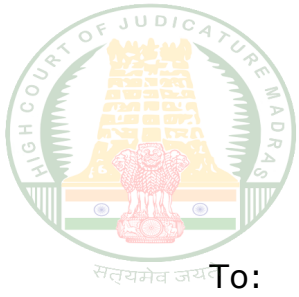
4.3. Till the three months' time in complying the orders of the Writ Court, no precipitative action, by way of contempt proceedings, be initiated by the writ petitioners/first respondents.

4.4. However, there shall be no order as to costs. Consequently, C.M.P.Nos.3183 and 3189 of 2023 are closed.

(R.S.K., J.) (A.D.M.C., J)
10.03.2025

Neutral Citation:Yes/No

drm



W.A.Nos.311 & 309 of 2023

To:

WEB COPY

1. The Secretary to Government
Education Department
Government of Tamil Nadu
St. George Fort, Chennai – 600 009.
2. The Director of School Education
College Road, Chennai – 600 006.
3. The District Educational Officer
Tenkasi, Tirunelveli District.
4. The Chief Educational Officer
Tirunelveli. (now Tenkasi)



WEB COPY



W.A.Nos.311 & 309 of 2023

R. SURESH KUMAR, J.
AND
A.D.MARIA CLETE, J.

(drm)

W.A.Nos.311 & 309 of 2023

10.03.2025