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W.P.No.33321 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.33321 of 2017
and
W.M.P.No.36763 of 2017

R.Justin Premraj
Pre Vocational Instructor (Agriculture)
A.L.C. Higher Secondary School,
Saron, Thiruvannamalai.

... Petitioner

vs.

1. The State Tamil Nadu
Rep. by its Secretary to Government
Education Department, Chennai-9.
2. The Director of School Education
D.P.I.Buildings, College Road
Chennai-6.
3. The Chief Educational officer
Tiruvannamalai.
4. The District Educational Officer
Tiruvannamalai.
5. The Correspondent
ALC Higher Secondary School, Saron
Tiruvannamalai.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, declaring the order passed by the 1st respondent vide G.O.Ms.No.39, School Education (D) Department, dated 21.03.2003 and consequential order of the 4th respondent in Na.Ka.No.5720/A3/2017 dated Nil.10.2017 is unconstitutional, ultravires of the Tamil Nadu Recognized Private Schools (Regulations) Act and Rules and consequentially, directing the respondents to approve the appointment of the petitioner as Pre-vocational Instructor (Agriculture) in the 5th respondent school w.e.f. 1.09.2017, with all attendant benefits.

For Petitioner	:	Mr.S.Nedunchezhiyan
For Respondents	:	Mr.L.S.M.Hasan Fizal
		Additional Government Pleader
		for R1 to R4
		R5 - No appearance

ORDER

The captioned Writ Petition (hereinafter referred to as “WP” for the sake of brevity, convenience, and clarity) has been filed seeking the issuance of a writ of certiorarified mandamus, assailing (i) Government Order dated 21.03.2003 bearing reference G.O.Ms.No.39, School Education (DA) Department (hereinafter referred to as “said G.O.”) and (ii)



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proceedings dated Nil.10.2017 (signed on 01.11.2017) bearing reference Na.Ka.No.5720/A3/2017 issued by the fourth respondent (hereinafter referred to as the “impugned order”).

2. By the said G.O., the first respondent imposed a ban on approval of appointments to the post of Vocational Instructor (Agriculture) and other Craft Teachers (except Sewing and Music Teachers) in Minority and Non-minority Aided Schools, insofar as such appointments were made after 12.07.2002.

3. Factual Background:

3.1 The petitioner was appointed as Vocational Instructor (Agriculture) in the fifth respondent School on 01.09.2017. Following this, the fifth respondent School submitted a proposal to the fourth respondent seeking approval of the petitioner’s appointment. The fourth respondent, however, rejected the proposal on the basis of the said G.O., which imposed prohibition of appointments of Craft Teachers in Government and Aided Schools for vacancies arising after 12.07.2002, save for the posts of Music and Tailoring.



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3.2 The petitioner has annexed the staff fixation pattern of the fifth respondent School. Upon perusal, it is seen that the post of Vocational Instructor (Agriculture) was a sanctioned post duly recognized by the fourth respondent. The petitioner contends that, despite fulfilling all eligibility criteria, he has been arbitrarily and discriminatorily denied approval of his appointment.

4. Mr. S. Nedunchezhiyan, learned counsel for the petitioner, submitted that, during the subsistence of the said G.O., the appointment of one K. Palanikumar as Craft Teacher (Agriculture) was approved by the first respondent by proceedings dated 04.10.2006, with effect from 25.04.2003, in a Government Aided School. Hence, the denial of approval to the petitioner, while similarly situated persons have been granted such approval, is arbitrary, discriminatory, and violative of Article 14 of the Constitution of India.

5. The learned counsel further submitted that, by communication dated 01.03.2018, the fourth respondent directed the fifth respondent School to forward all relevant documents to enable consideration of the petitioner's



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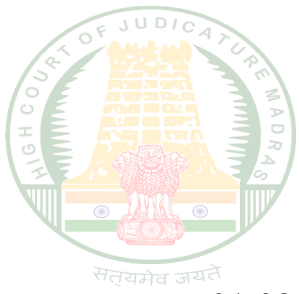
case for approval. The fifth respondent, by communication dated 26.03.2018, forwarded all such documents. However, despite receipt of the documents, the fourth respondent has failed to take any action till date.

6. Per contra, Mr. L.S.M. Hasan Fizal, learned Additional Government Pleader appearing for the respondents, submitted that in view of the continuing operation of the said G.O., which expressly prohibits approval of appointments to the post of Vocational Instructor (Agriculture), the petitioner's request was rightly rejected. He submitted that the said G.O. is binding, and therefore, no interference is called for.

7. The submissions of the learned counsel on either side, as well as the materials placed on record, have been duly considered.

8. A perusal of the said G.O. reveals that the ban imposed therein was relaxed only in respect of Music and Sewing (Tailoring) Teachers in Government and Aided Schools. The prohibition, however, continued with respect to other Craft Teachers, including Vocational Instructor (Agriculture).

9. It is also not in dispute that the petitioner was appointed on



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01.09.2017 to the post of Vocational Instructor (Agriculture) in the fifth respondent School, which is a sanctioned post. The staff fixation order of the fifth respondent School issued by the fourth respondent clearly records that the post of Vocational Instructor (Agriculture) is sanctioned and that the school has a total strength of 500 students.

10. Significantly, during the currency of the said G.O., the Government, by order dated 04.10.2006, approved the appointment of one K. Palanikumar as Craft Teacher (Agriculture) in a Government Aided School with effect from 25.04.2003. Thus, a precedent exists where approval was granted to a similarly situated person despite the operation of the said G.O.

11. Furthermore, by communication dated 01.03.2018, the fourth respondent specifically required the fifth respondent School to furnish all documents necessary to consider the petitioner's appointment. In compliance, the fifth respondent submitted all relevant records by communication dated 26.03.2018. However, no further steps were taken by the fourth respondent to process the petitioner's case.



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12. In these circumstances, when approval was extended to a similarly placed individual and when the petitioner's appointment is to a sanctioned post in an institution of adequate strength, the respondents are duty-bound to consider the petitioner's case fairly and in the light of the Government Order in G.O.Ms.No.191 dated 04.10.2006, which relaxed the ban in relation to a similarly situated person.

13. Accordingly, the following order is passed:

(i) Captioned WP is allowed;

(ii) The fourth respondent is hereby directed to consider the representation dated 26.03.2018 issued by the fifth respondent school. While considering the said representation sent by the fifth respondent, the fourth respondent is directed to consider G.O.Ms.No.191 dated 04.10.2006 issued by the first respondent by which, K.Palanikumar's appointment was approved with effect from 25.04.2003 to the post of Craft Teacher (Agriculture) subject to petitioner satisfying all the eligibility criteria;



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(iii) If the fourth respondent finds that the petitioner is eligible for appointment to the post of Vocational Instructor (Agriculture) in the fifth respondent - School, the fourth respondent shall sent a proposal to the third respondent for approving the appointment of petitioner in accordance with law; and

(iv) Such exercise shall be completed by the fourth respondent within a period of three months from the date of uploading of the instant order in the official website of this Court.

Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

22.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai-600 009.
2. The Director of Medical Education
Kilpauk, Chennai-10.
3. The District Collector
Collectorate
Villupuram,
4. The District Collector
Collectorate, Salem.
5. The Dean
Government Villupuram Medical College Hospital
Mundiampakkam
Villupuram.



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HEMANT CHANDANGOUDAR, J.,

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