



W.P.(MD)No.760 of 2020

WEB COPY

DATED: 17.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.760 of 2020

and

W.M.P.(MD)Nos.551 & 552 of 2020

The Correspondent,

St.Mary's Higher Secondary School,

Colachel – 629 167.

Kanyakumari District.

: Petitioner

Vs.

1.The State of Tamil Nadu,

Rep. 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,

Kanyakumari District at Nagercoil,

Kanyakumari District – 629 001.

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4.The District Educational Officer,

Thuckalay – 629 175.

Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the staff fixation settled by the CEO for the academic year 2018 – 2019 vide impugned proceedings in Mu.Mu.No.12236/A6/2018 dated 05.01.2019, insofar as not showing one post of Vocational Instructor is concerned and the impugned proceedings issued by the fourth respondent DEO in O.Mu.No. 4780/A1/2019 dated 28.08.2019, refusing approval to the appointment of Thiru.K.Michael Herin Mathu as Vocational Instructor in Electrical Machines and Appliances in the petitioner's school, quash the same and further direct the third and fourth respondents herein to approve forthwith the appointment of K.Michael Herin Mathu as Vocational instructor in Electrical Machines & Appliances w.e.f. the date of appointment viz., 01.07.2019, with salary and all attendant benefits.

For Petitioner : Ms.M.Rooshi Mass

M/s.Isaac Chambers

For Respondents : Mr.S.Shaji Bino,

Special Government Pleader



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ORDER

The issue involved in this Writ Petition is whether in cases where the post of vocational instructor which was a sanctioned post earlier, the school can seek for approval for the appointment of vocational instructor either on account of the retirement / removal of the earlier vocational instructor appointed by the very same school, despite the fact that the respondents have now abolished the post of vocational instructor.

2.The respondents rely upon G.O.Ms.No.9, School Education (VE) Department dated 06.01.2009, in support of their contentions that the proposal submitted by the petitioner's school was rightly rejected under the impugned order only in terms of G.O.Ms.No.9 dated 06.01.2009, on account of the fact the post of vocational instructor has now been abolished.

3.The very same issue was subject matter of consideration by the Division Bench of this Court in W.A.No.506 of 2020, wherein the Division Bench by its order dated 24.09.2025 held that the Government Order namely G.O.Ms.No.9 dated 06.01.2009, does not



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abolish the existing vocational streams which has already been sanctioned by the Government and therefore, when the vocational streams has not been abolished, the State cannot refuse to grant approval for the appointment of vocational instructor to the said streams.

4.I had also followed the Division Bench judgment referred to supra in my order dated 06.10.2025 passed in W.P.(MD)Nos.487 of 2020 and 26277 of 2019. In view of the well settled law, the reason given by the respondents under the impugned order for rejecting the petitioner's proposal is erroneous and is not in accordance with the well settled law. In this case as well, in the petitioner school, vocational instructor post was a sanctioned post. Only on account of the earlier vocational instructor having retired from service, there became a necessity for the petitioner school to appoint a replacement and therefore, the decision referred to supra squarely applies to the facts of this case as well.

5.For the forgoing reasons, the impugned orders dated 05.01.2019 and 28.08.2019 passed by the respondents has to be quashed and the writ petition has to be allowed.



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6.Accordingly, the impugned orders dated 05.01.2019 and 28.08.2019 are hereby quashed and the writ petition is allowed, by directing the third respondent to pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order, approving the appointment of K.Michael Herin Mathu as Vocational Instructor in Electrical Machines & Appliances in the petitioner school with effect from 01.07.2019. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
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- 2.The Director of School Education,
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ABDUL QUDDHOSE., J.

MR

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