



W.A.(MD) No.554 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD) No.554 of 2020
and
C.M.P.(MD) No.3774 of 2020**

- 1.The State of Tamil Nadu
rep.by its Secretary
Department of School Education
Fort St.George, Chennai
- 2.The Director of School Education
School Education Department
College Road, Chennai-600 006
- 3.The Joint Director of
School Education (Vocational)
College Road, Chennai-600 006
- 4.The Chief Educational Officer
Nagerkoil, Kanyakumari District
- 5.The District Educational Officer
Thuckalay, Kanyakumari District

... Appellants

-vs-

- 1.N.Amutha



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2.The Secretary
Devaswom Higher Secondary School
Mondaikadu-629 251
Kanyakumari District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 23.04.2019, passed in W.P.(MD) No.7660 of 2017, on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondents : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chamber for R1
Mr.H.Thayumanaswamy for R2

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The present intra-court appeal is relating to the appointment of Vocational Instructor and the same has been instituted challenging the writ order.

2. The dispute concerns the appointment of Vocational Instructor, more specifically, after the Government took a decision to abolish the post of Vocational Instructor.



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3. Learned Additional Government Pleader appearing for the appellants / State would mainly contend that the post of Vocational Instructor was abolished pursuant to the recommendations of a High Level Committee constituted by the Government for revamping of Vocational Education in Higher Secondary Schools in the State of Tamil Nadu. The recommendations of the High Level Committee were accepted by the Government and G.O. (Ms).No.9, School Education (VE) Department, dated 06.01.2009 was issued. Accordingly, no new vocational course should be started from the academic year 2007-2008 and no new Vocational Instructor should be appointed either by the School Management or Parents Teachers Association. Henceforth, a new Vocational course can be opened only with the permission of the Government.

4. Relying on the above policy decision of the Government, learned Additional Government Pleader would submit that some Schools have appointed Vocational Instructors after the issuance of G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009 and those appointments cannot be approved by the competent authorities of the Education



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Department. Even in respect of other Vocational Instructors already in service, such benefits cannot be granted since the Government took a policy decision.

5. The Division Bench of this Court considered the case of Vocational Instructors in ***W.A(MD)No.1494 of 2017 [The Secretary, the State of Tamil Nadu, Department of School Education and others Vs. The Secretary/Correspondent, Setupatti Higher Secondary School]*** and a direction was issued to approve the appointment of these Vocational Instructors *vide* Judgment dated 01.03.2018. Aggrieved by the said order, the State preferred a Special Leave Petition before the Honourable Supreme Court of India and leave was granted. The Apex Court passed final orders in ***Civil Appeal No.12310 of 2024, dated 12th November, 2024***. Paragraphs 4 and 5 of the order read as under:

“4. We are of the view that the judgment cannot be sustained in the eye of law, as admittedly, the institutions are receiving aid. Thus, they are bound by the Government orders which require prior approval. The permission for the earlier incumbent vocational instructor was granted as a one off case by taking a sympathetic view so as to facilitate the earlier incumbents to complete their tenure, notwithstanding,



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the fact that the said posts have not been sanctioned. Unfortunately, the present incumbents also have been appointed by a backdoor entry and they are at the verge of completion of tenure. Thus, considering the factual scenario, though we are inclined to set aside the impugned judgment, on the principle of law, we are not inclined to disturb the appointments made.

5. Accordingly, as a principle of law, the judgment rendered by the High Court cannot be relied upon in future as a precedent. On the facts and circumstances of the case, the appointments made in favour of the private respondent shall continue and, therefore, they are entitled to continue with aid. It is made clear that the arrears will have to be paid within a period of twelve weeks from today. We further make it clear that if the same orders are continued by all the institutions, then the Court shall take into consideration the consequence to be met by those institutions as against making the government to pay, as it is at their instance, the entire scenario has emerged.”

6. Relying on the orders of the Honourable Supreme Court, learned Additional Government Pleader appearing for the appellants would submit that hereinafter no relief needs to be granted in respect of Vocational Instructors by the High Court. Therefore, the present writ appeal is to be



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allowed.

7. Learned counsel appearing for the first respondent would oppose by stating that there is no complete prohibition for appointment of Vocational Instructors. Even in G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009, clause (v) indicates that “the existing vocational courses should change into unilocal courses over a period of five years giving more time to vocational subjects and for practicals. Practical should be conducted either in the industries or in the ITIs or in the approved community colleges. Language syllabus should be reduced and converted into a soft skills curriculum”.

8. Despite the fact that the Government took a policy decision in G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009, subsequently, after a lapse of about nine years, the Government issued G.O. (Ms).No.142, School Education (SE7-1) Department, dated 13.07.2018. Clause(vii) in G.O.(Ms).No.142, School Education Department, dated 13.07.2018, reiterates that “the vocational stream at XI & XII level shall continue to exist in the same manner without any disturbance/change. It will



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be further enriched to make students employable.”

9. Relying on the said Government Order, learned counsel appearing for the first respondent would submit that the course was revived even after its abolition and therefore, the appointment of Vocational Teachers should be approved by the competent authorities.

10. Learned counsel appearing for the first respondent would solicit the attention of this Court to the Division Bench Judgment of this Court in ***W.A.No.3057 of 2024, dated 09.05.2025 [The Secretary to Government, the Government of Tamil Nadu and others Vs. G.Aravind Raj and another]***. However, the issue raised in the said writ appeal is not directly connected with the present writ appeal which concerns the approval of appointment of Vocational Instructor made by the Private aided Schools. It is further contended that since the vocational courses continue to exist, the teachers appointed after 2009 are also entitled to approval of their appointments. Thus, the learned Single Judge has rightly considered the issues and the writ appeals is to be rejected.



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11. This Court has considered the rival submissions made between the parties to the *lis* on hand.

12. It is not in dispute that a High Level Committee was constituted by the Government to look into the functioning of vocational courses in Secondary Education Schools across the State of Tamil Nadu. The High Level Committee submitted a report, which was accepted by the Government, and G.O.Ms.No.9, School Education (VE) Department, dated 06.01.2009, was issued. In the said Government Order, the Government took a policy decision that no new vocational courses should be started from the academic year 2007-2008 and no new Vocational Instructor should be appointed either by the School Management or the Parents Teachers Association. Henceforth, a new vocational course can be opened only with the permission of the Government. Therefore, the said policy remains intact. Pertinently, the said Government Order has not been withdrawn or cancelled by the Government, nor any reference has been made by the Government in G.O.(Ms).No.142, School Education (SE7-1) Department, dated 13.07.2018.



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13. A perusal of G.O.(Ms).No.142, School Education (SE7-1) Department, dated 13.07.2018, reveals that the Government introduced Vocational Education at the Secondary level in 67 Schools as a pilot project from the year 2018-2019. Therefore, a pilot project has been introduced in 67 Schools exclusively from the academic year 2018-2019 *vide* G.O.(Ms).No.142, School Education (SE7-1) Department, dated 13.07.2018. This is not directly connected with G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009 nor G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009 has been cancelled or withdrawn by the Government. Admittedly, G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009 remains unchallenged and in force. Thus, the Schools cannot start new Vocational courses nor they can make new appointment to the non-existing post of Vocational Instructors. If at all any School is willing to start a vocational course, it must be done with the permission of the Government. Therefore, there is no total prohibition of vocational course in the State of Tamil Nadu. Course can be started only with the permission of the Government and if such permission is granted by the competent authorities of the Education



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Department, then alone qualified teachers can be appointed.

14. Therefore, the contention of the first respondent that G.O. (Ms).No.142, School Education (SE7-1) Department, dated 13.07.2018, is to be taken into consideration deserves no merit consideration. G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009, stands independently and the Government also reiterates that no new vocational courses should be started from the academic year 2007-2008 and no new Vocational Instructor should be appointed either by the School Management or Parents Teachers Association. However, new vocational courses can be opened only with the permission of the Government.

15. This Court is of the considered view that any change in the policy decision by the Government regarding vocational courses should not affect the service conditions of the existing Vocational Teachers, who were appointed prior to the issuance of G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009. Service conditions cannot be altered to the disadvantage of employees who are all already in service. This being the basic principles of service jurisprudence, the Government policy in G.O.(Ms).No.9,



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School Education (VE) Department, dated 06.01.2009, will have a prospective effect and cannot be implemented retrospectively so as to affect the services of existing Vocational Instructors. Therefore, the services of the Vocational Instructors, appointed prior to the issuance of G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009, and whose appointments have been approved by the Department, are protected. They are entitled to all the benefits as per the Service Rules. Regarding pending proposals for approval of appointments, date of appointment, post sanctioned, eligibility and other criteria as per Rules are to be taken into consideration.

16. As far as the Vocational Teachers appointed after G.O.(Ms).No. 9, School Education (VE) Department, dated 06.01.2009, their services are not protected. In fact, these Vocational Teachers were appointed in the vacancies that arose on account of the retirement, death or resignation of the Vocational Instructors, who were in service. Thus, their appointments cannot be protected since the post of Vocational Instructors came to be abolished from the date on which G.O.(Ms).No.9 was issued ie., on 06.01.2009. If any such appointments were made, it must be with the prior permission of the Government. If such permission was granted by the Education Department,



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then those cases can be protected. However, all other appointments made to the post of Vocational Instructors after issuance of G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009, are not protected and the Government is not obligated to approve these appointments and grant aid.

17. It is made clear that if those Vocational Instructors appointed prior to G.O.(Ms).No.9, School Education (VE) Department, dated 06.01.2009, are qualified, appointed in the sanctioned post and eligible as per Rules, their proposals are to be considered in accordance with Act and Rules.

18. In fine, the writ order impugned is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[A.D.M.C., J.]

25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Department of School Education,
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