

W.P.(MD)No.5255 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5255 of 2025

and

W.M.P(MD)No.3856 of 2025

Mary Vasanthi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Fort St. George,
Chennai - 9.

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

3.The Chief Educational Officer,
Thoothukudi.

4.The District Educational Officer,
Tiruchendur,
Thoothukudi District.

5.The Manager - RC Schools,
Tuticorin Diocese,
Catholic Bishop's House,
Tuticorin-1.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his proceedings in O.Mu.No.4475/AA3/2019, dated 16.09.2019 and quash the same and consequently directing the respondents to approve the petitioner's appointment as Pre Vocational Instructor (Needle Work) in St. Mary's Higher Secondary School, Pothakalanvilai from the date of her appointment on 22.06.2015 with all service and monetary benefits within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings dated 16.09.2019 passed by the third respondent refusing to approve the appointment of the petitioner as Pre Vocational Instructor (Needle Work) in the fifth respondent School with effect from 22.06.2015 by sanctioning the conversion of the Pre-Vocational Post of Agriculture Teacher into that of Pre Vocational Instructor (Needle Work) and disburse the salary and all other attendant benefits to the petitioner.



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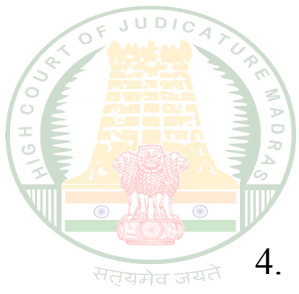
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2. The petitioner is aggrieved by the impugned proceedings on account of the following:

(A). The respondents have erroneously treated the sanctioned post of Pre-Vocational Instructor as surplus; and

(B). The respondents have erroneously rejected the request of the fifth respondent School for approving the appointment of the petitioner in the said School as Pre Vocational Instructor (Needle Work) with effect from 22.06.2015 by sanctioning the conversion of Pre-Vocational Post of Agriculture Teacher to that of Pre Vocational Instructor (Needle Work) and disburse her salary and all other attendant benefits.

3. According to the petitioner, the Pre Vocational Instructor (Needle Work) is equivalent to Pre-Vocational post of Agriculture Teacher and therefore, the conversion sought for by the petitioner as stated supra, ought to have been granted, but, erroneously, the same has been rejected under the impugned orders.

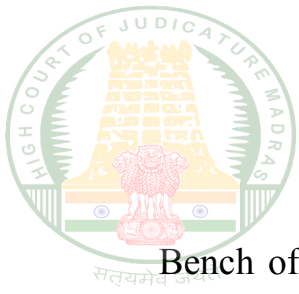


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4. A counter affidavit has been filed by the respondents denying the contentions of the petitioner. They would rely upon G.O.(Ms).No.39, School Education (D1) Department, dated 21.03.2003, to deny the relief sought for by the petitioner School.

5. The learned Additional Government Pleader for the respondents 1 to 5 would submit that though the issue involved in the present writ petition is covered by earlier order of this Court, but in the present case, there is a delay of more than 6 years in approaching this Court. In as such, on the ground of laches, the petitioner has no case.

6. G.O.(Ms).No.39, School Education (D1) Department, dated 21.03.2003, was the subject matter of interpretation by this Court as well as by the Hon'ble Supreme Court. The contentions raised by the respondents in this Writ Petition were also the subject matter of consideration by this Court as well as by the Hon'ble Supreme Court. Finally, the Hon'ble Supreme Court, by its order dated 26.09.2024 in S.L.P.(C).Nos.22199 of 2019 etc., batch, dismissed the said Special Leave Petitions filed by the State aggrieved by the orders passed by the learned Single Judge of this Court as well as by the Division

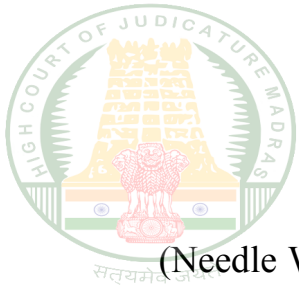


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Bench of this Court, wherein, the order passed by the respondents refusing to sanction for converting the post of Pre-Vocational Instructor (Agriculture) to the post of Sewing Mistress was quashed and the conversion sought for by the respective petitioners was granted. A similar prayer is sought for by the petitioner in this Writ Petition.

7. Since the law is now well settled that the conversion of the PreVocational Instructor (Agriculture) post to the Pre Vocational Instructor (Needle Work) post is legally permissible, this Court is of the considered view that the impugned order passed by the third respondent will have to be quashed and this Writ Petition will have to be allowed.

8. Accordingly, the impugned order dated 16.09.2019, passed by the third respondent, refusing to approve the appointment of the petitioner in the fifth respondent School with effect from 22.06.2015 is hereby quashed and this Writ Petition is allowed by directing the third respondent to approve the appointment of the petitioner, viz., Mary Vasanthi as Pre Vocational Instructor (Needle Work) with effect from 22.06.2015 by sanctioning the conversion of the Pre-Vocational post of Agriculture Teacher into that of Pre Vocational Instructor



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(Needle Work) and disburse her salary with all other attendant benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

No costs.

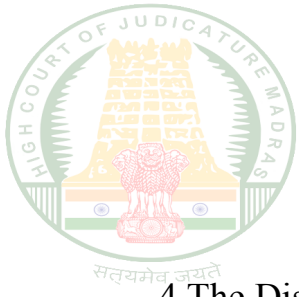
Consequently, the connected miscellaneous petition is closed.

24.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Secretary to Government,
School Education Department,
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Chennai - 9.
- 2.The Director of School Education,
College Road,
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- 3.The Chief Educational Officer,
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BATTU DEVANAND, J.

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