



W.P.(MD).No.8682 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.8682 of 2019

Nadar Higher Secondary School,
Represented by its Secretary,
Pandavarmangalam,
Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

1.The Director of School Education,
Chennai.

2.The Joint Director of School Education (Secondary),
Chennai - 6.

3.The Chief Educational Officer,
Tuticorin.

4.The District Educational Officer,
Kovilpatti,
Tuticorin 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 pertaining to the order passed by the 3rd respondent in his proceedings in Mu.Mu.No. 6354/A3/2018 dated 04.02.2019 insofar as reducing the Vocational Instructor



W.P.(MD).No.8682 of 2019

post as one instead of two and the order in O.Mu.No.769/A3/2018 dated .
03.2018 signed on 10.04.2018 and quash the same and direct the respondents to
fix two posts of Vocational Instructor to the School and grant prior permission
to fill up the post of Vocational Instructor to the petitioner's School.

For Petitioner : Mr.V.Panneerselvam

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The petitioner School has come forward with this Writ Petition
challenging the staff fixation order for the year 2018-2019.

2. The major grievance of the petitioner School is that by way of staff
fixation, the post of Vocational Instructor is taken away though there are
students studying in the Vocational Course.

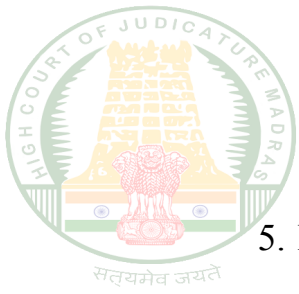
3. The learned counsel for the petitioner submits that the students are still
studying Vocational Course and refusing to sanction the post of Vocational
Instructor for the year 2018-2019 is against the interest of the students, since the
teacher, who was working there as Vocational Instructor, was retired and it is



W.P.(MD).No.8682 of 2019

necessary for the School to impart/continue the vocational education. He further relied on the judgment of the Division Bench of this Court in ***the State of Tamil Nadu, represented by its Secretary, Department of School Education, Chennai and others Vs. The Secretary/Correspondent, Setupati Higher Secondary School, Madurai District, W.A.(MD).No.1494 of 2017 dated 01.03.2018***, to contend that when the students are available for the studies, the post of particular institution shall not be cancelled.

4. Per contra, the learned Additional Government Pleader appearing for the respondents, by relying on the recent judgment of the Division Bench of this Court in ***the Secretary to Government, Department of School Education, St.George Fort, Chennai and others Vs. Lovisal Roselin and another, W.A. (MD).Nos.532 of 2019 etc. batch, dated 09.06.2025*** reported in ***2025:MHC: 1360***, submitted that the Division Bench has accepted the position that once the teacher, who is holding the post of Vocational Instructor, was retired, further sanction of the very same post is not automatic and as per G.O.Ms.No.9, School Education (VE) Department dated 06.01.2009, the post of Vocational Instructor has been abolished. Hence, he sought for dismissal of the Writ Petition.



W.P.(MD).No.8682 of 2019

5. I have considered the submissions made on both sides and perused the materials available on record.

6. Admittedly, the staff strength of the petitioner School was fixed by the Chief Educational Officer for the year 2018-2019 and the impugned order has been passed. According to the petitioner, one post of Vocational Instructor has been abolished by this order. On 15.02.2018, the School has addressed a letter to the Chief Educational Officer stating that one of the Vocational Instructors was retired on 31.05.2016 and they have decided to fill up the said post by appointing another teacher and sought for approval. On 10.04.2018, the Chief Educational Officer returned the proposal for approval stating that there is no provision for filling up the post lying vacant after retirement of the Vocational Instructor.

7. The issue involved in this case is no longer *res integra* and recently, the Division Bench of this Court in ***the Secretary to Government, Department of School Education, St.George Fort, Chennai and others Vs. Lovisal Roselin and another*** (cited supra), by considering G.O.Ms.No.9, School Education (VE) Department dated 06.01.2009, has observed that no new vocational



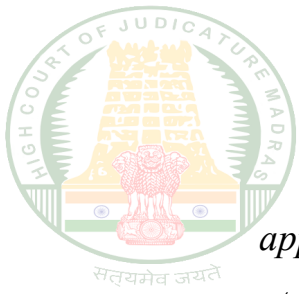
W.P.(MD).No.8682 of 2019

courses shall be started from the academic year 2007-2008 and no new

Vocational Instructors should be appointed either by the School Management or the Parents Teachers Association. Apart from that, it has also been observed that once the Vocational Instructor, who is working in the sanctioned post, is retired, automatically, that post should not be filled up and it shall be lapsed. This Government Order, though passed in the year 2009, remains unchallenged. Further, it is held that if at all any School is willing to start a Vocational Course and fill up the said post, it must be done with the permission of the Government.

The relevant portion of the judgment reads as follows:

“13.A perusal of G.O.Ms.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 in G.O.Ms.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



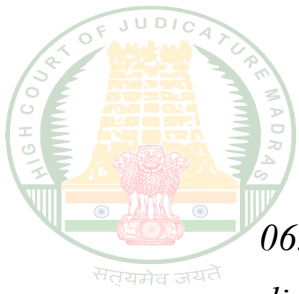
W.P.(MD).No.8682 of 2019

WEB COPY

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 Department, then alone qualified teachers can be appointed.

14. Therefore, the contention of the respondents that G.O.Ms.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 Instructors 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



W.P.(MD).No.8682 of 2019

WEB COPY

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, 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.Asfar 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



W.P.(MD).No.8682 of 2019

WEB COPY

Department, 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.”

8. Admittedly, the Government has not given any permission for starting any Vocational Course and in the present case, since the post of Vocational Instructor has been lapsed and a cut off date has been given to state that those who are already appointed are only given protection and subsequently, there shall not be any appointment in the said post, this Court do not find any merits in the Writ Petition.

9. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

17.07.2025

NCC : Yes / No
Index : Yes / No
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W.P.(MD).No.8682 of 2019

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W.P.(MD).No.8682 of 2019

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