

W.P.(MD)No.16107 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 25.08.2025

CORAM:

THE HON'BLE MR. JUSTICE K.RAJASEKAR

W.P.(MD).No.16107 of 2019
and W.M.P.(MD).No.12806 of 2019

D.V.D. Higher Secondary & Training School,
Rep by its Secretary,
Kottar, Nagercoil,
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.
4. The District Educational Officer,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for
the records relating to the impugned staff-fixation issued by the 3rd



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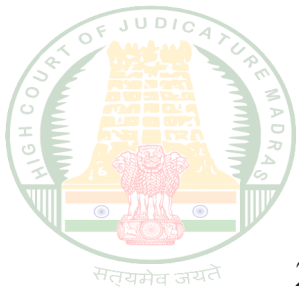
respondent herein for the academic years 2018-2019 vide proceedings in Mu.Mu.No.145/E4/2019 dated 08.01.2019, quash the same in so far as taking away 1 sanctioned post of Computer Instructor from petitioner-school and further direct the 3rd respondent herein to re-fix the staff fixation of the petitioner-school by retaining 1 sanctioned post of Computer Instructor and consequently grant necessary permission to fill up the 1 sanctioned post of Computer Instructor in the petitioner-school.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.N.Satheshkumar
Additional Government Pleader

ORDER

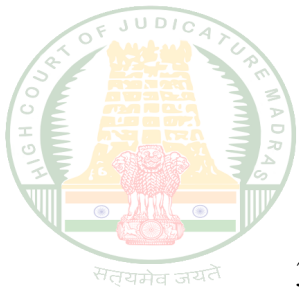
The petitioner/school has filed this writ petition to call for the records relating to the impugned staff-fixation issued by the 3rd respondent herein for the academic years 2018-2019 vide proceedings in Mu.Mu.No. 145/E4/2019 dated 08.01.2019 and quash the same in so far as taking away 1 sanctioned post of Computer Instructor from petitioner-school and further direct the 3rd respondent herein to re-fix the staff fixation of the petitioner-school by retaining 1 sanctioned post of Computer Instructor and consequently grant necessary permission to fill up the 1 sanctioned post of Computer Instructor in the petitioner-school.



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2. According to the petitioner/their school is a non-minority institution and the State Government had introduced a Computer Science subject at the Higher Secondary level during the academic year 1984-1985. In pursuance of the same, to teach Computer Science , one Computer Instructor post was sanctioned to the petitioner-school under the aided section. Further, the post of Computer Instructor was shown as Vocational Teachers all along in the staff-fixation issued by the 3rd respondent till the academic year 2015-2016. Subsequent to the retirement of the previous Computer Instructor in the year 2015-2016 , the said post was not included in the staff fixation issued by the 3rd respondent in the year 2016-2017 onwards. Hence, the petitioner- school has sent a letter to the 3rd respondent/Chief Educational Officer to permit them to fill up the post of Computer instructor and the 3rd respondent informed that the 2nd respondent is alone competent authority to grant permission to fill up the post of the Computer Instructor. Therefore, the petitioner-school has sent representation to the 2nd respondent and the same is pending. Hence, the petitioner/school has filed this writ petition.

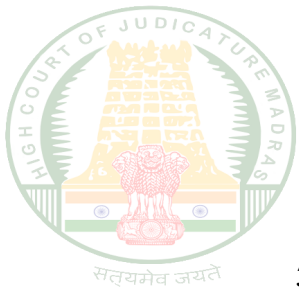


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3. The learned counsel for the petitioner submitted that now the post of computer instructor could not be deemed as vocational. He further submitted that the 3rd respondent/Chief Educational Officer has taken away the post of Computer Instructor and the same is not valid. Further, the learned counsel for the petitioner relied upon that G.O.(Ms).No.26 dated 12.02.2019 to the effect that the Government has decided if the post of Computer Instructor Grade-II gets vacant due to retirement etc., the posts shall be upgraded to Grade-I by surrendering the Grade-II posts to comply with National Council for Teacher Education regulations. Hence, he prayed to allow this writ petition.

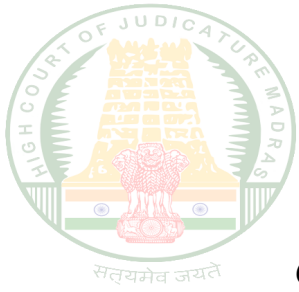
4. The learned Additional Government Pleader submitted that issue relating to fill up the post of Vocational teacher is not permissible as per G.O.Ms.No.9 School Education (VE) Department dated 06.01.2009, once post is vacant by way of retirement or resignation. If the school decided to fill up the post, they ought to have get prior permission from the Government/ Education Department. He also relied upon the order of this Court in this regard passed in W.A.(MD).No.532 of 2019 and 266 of 2020 batch cases dated 09.06.2025. Hence, he prayed for dismissal of this writ petition.



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5. Considering the submissions made on either side, on perusal of the G.O. Ms.No.9, School Education (VE) Department dated 06.01.2009, once the post becomes vacant, the School authorities can fill up the post only after getting prior permission of the Government /Education Department. In the batch of writ petition in W.A.(MD).No.532 of 2019 and 266 of 2020 dated 09.06.2025, this Court has held that, the post of vocational teacher is person oriented and the same is not post sanctioned to the school. Once the Teacher holding the post of vocational instructor, retires, resigned or post become vacant, then post will lapse. Hence, the school is not entitled to challenge the staff fixation made from the petition school herein. In G.O.Ms.No.26 dated 12.02.2019 issued by the Education Department shows that the Government has taken policy for creation of 814 Computer Instructor Grade-I posts by surrendering corresponding 814 vacant B.T.Cadre posts. This G.O.Ms.No.26 dated 12.02.2019 make all the Computer Instructor posts into Grade-I regular post with minimum Educational qualification based on NCTE norms. Therefore, liberty is granted to the petitioner to approach the concerned authorities based on G.O.Ms.No.26 dated 12.02.2019 and authorities are directed to consider its case on merits, if the petitioner/school is eligible.



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6. With the above observations, this Writ Petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

25.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
msrm

To

1. The 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,
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K.RAJASEKAR, J.

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