



WEB COPY



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W.A.(MD)NO.1978 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)No.1978 Of 2021 AND

W.M.P.(MD)No.8928 of 2021

1. The Joint Director of School Education(Vocational),
O/o.the Joint Director of School Education,
DPI Compound, College Road,
Chennai.
 2. The Chief Educational Officer,
O/o.the Chief Educational Officer,
Madurai,
Madurai District.
 3. The District Educational Officer,
O/o.the District Educational Officer,
Melur,
Madurai District.
- ... Appellants/ Respondents

Vs.

1. P.Samuel Sathish Kumar,
Vocational Instructor,
A.C.Higher Secondary School,
Madurai,
Madurai District.
- ... 1st Respondent / Writ petitioner
2. The Correspondent,
American College Higher Secondary School,
Tallakulam,
Madurai -625 002.
- ... 2nd Respondent / 4th Respondent



Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 28.04.2021 made in W.P.(MD)No.5306 of 2021 and allow the writ appeal.

For Appellants : Mr.T.Amjadkhan,
Government Advocate.

For R-1 : Mr.M.Mahamed Zamil,
for M/s.Ajmal Associates.

For R-2 : No appearance.

* * *

J U D G M E N T

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The first respondent herein was appointed as Vocational Instructor in the American College Higher Secondary School on 01.03.2006 in a sanctioned vacancy. The appointment was approved on 22.12.2006. The first respondent was originally on consolidated pay. Later, he was brought under regular time scale of pay with effect from 01.06.2006. When he sought selection grade on completion of ten years of service in the year 2016, his annual increment was stopped. Subsequently, when the management sent a proposal in this regard. The proposal was returned by the Chief Educational Officer,



Madurai vide proceedings dated 16.02.2021 on the ground that his probation has not been declared and that he has not been regularised. Challenging the said order, the first respondent filed WP(MD)No.5306 of 2021 seeking sanction and disbursement of salary in term of the approval order dated 22.12.2006, he filed WP(MD)No.8354 of 2021. Both the writ petitions were allowed by the learned Single Judge vide order dated 28.04.2021. Questioning the same, the department has filed this writ appeal.

3.The issue raised in the writ petition is no longer *res integra*. Vide order dated **09.06.2025 in W.A.(MD)Nos.532 of 2019 etc. batch (The Secretary to Government, Chennai Vs. Lovisal Roselin)** it was held that the Vocational Instructors appointed prior to the cut off date (ie.) 06.01.2009 should be accommodated in sanctioned posts subject to their qualifications and eligibility as per rules. The case on hand also pertains to appointment of the writ petitioner as Vocational Instructor prior to the cut off date. In fact, his appointment was already approved. The question of revising the issue does not arise at all. The learned single Judge rightly granted the relief. Interference with the impugned order is not warranted.



This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
2nd December 2025

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

PMU/skm



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