



W.P(MD)No.9237 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.9237 of 2018

and

W.M.P(MD)No.8537 of 2018

Hindu Higher Secondary School
Rep.By its Secretary,
Alwarthirunagari - 628 612,
Alwarthirunagari, Thoothukudi 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
Thoothukudi District, Thoothukudi.
- 4 The District Educational Officer,
Thoothukudi, Thoothukudi District.

..Respondents



W.P(MD)No.9237 of 2018

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned staff-fixation issued by the 3rd respondent herein for the academic years 2016-2017 in Mu.Mu.No.4871/A3/2016 dated 01.12.2016 and the subsequent staff fixation issued by the 3rd respondent herein for the academic years 2017-2018 in Mu.Mu.No. 3925/A3/2017 dated 03.10.2017 quash the same insofar as fixing 3 Vocational Instructor posts and 2 Vocational Instructor posts respectively and further direct the third respondent herein refix 4 vocational instructor posts in the staff fixation of the petitioner school and to grant necessary permission to fill up the 2 Vocational Instructor posts in the petitioner-school.

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

For Respondents : Mr.T.Amjadkhan
Govt. Advocate (for R1 to R4)

ORDER

This writ petition has been filed challenging the impugned staff-fixation issued by the 3rd respondent herein for the academic years 2016-2017 in Mu.Mu.No.4871/A3/2016 dated 01.12.2016 and the subsequent staff fixation issued by the 3rd respondent herein for the academic years 2017-2018 in Mu.Mu.No.3925/A3/2017 dated 03.10.2017 insofar as fixing 3 Vocational Instructor posts and 2 Vocational Instructor



W.P(MD)No.9237 of 2018

posts respectively and further directing the third respondent herein refix 4 vocational instructor posts in the staff fixation of the petitioner school and to grant necessary permission to fill up the 2 Vocational Instructor posts in the petitioner-school.

2. The Division Bench of this Court, in W.A.(MD) No.935 of 2020, decided a similar issue and, by order dated 29.08.2025, passed the following directions:

“15.The Government Orders referred by us in the earlier paragraphs indicate that the sanctioned post of Vocational Instructors pertains to the individual teachers and the same is not attached to the institution in which they were engaged. Once the person retires or resigns for any other reason, the post is kept vacant and it is reverted back to the Department. The Division Bench, in the judgment referred above, has discussed the issue involved in this appeal in detail and we are agreeing with the views expressed therein. The judgment of the Division Bench is squarely applicable to the present case.

16. The respondent School has also relied on few orders passed by this Court, wherein, this Court has directed the Department to accord approval of appointment to the Vocational Instructors on the basis that these posts are sanctioned to the School and once the incumbent was retired or resigned or the post became vacant, the Management is entitled to fill the same.



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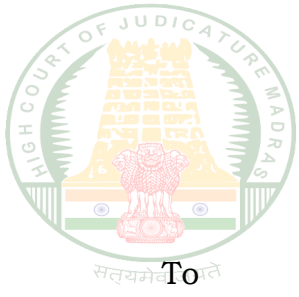
W.P(MD)No.9237 of 2018

17. We are not able to agree with the views taken in those matters. Those orders could not be made applicable to the facts of the present case, since the Hon-ble Apex Court has clarified that the posts were earlier granted to the incumbent Vocational Instructors by taking a sympathetic view so as to facilitate the earlier incumbents to complete their tenure.”

3. In the case on hand, the petitioner-school seeks refixation in respect of the posts of Vocational Instructors. The judgment of the Division Bench of this Court is squarely applicable to the present case. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2025

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



W.P(MD)No.9237 of 2018

To

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W.P(MD)No.9237 of 2018

P.T.ASHA, J.

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