

W.P.(MD) No.25009 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 01.08.2025

Pronounced On : 11.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.25009 of 2018

and

W.M.P.(MD)No.22669 of 2018

Pope Memorial Higher Secondary School

Sawyerpuram - 628 251

Thoothukudh District

Represented by its

Correspondent

P. Jeferson Samuelraj.

... Petitioner

Vs.

1. 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 Joint Director of School Education

Vocational Education

DPI Campus

Chennai – 6.

4. The Chief Educational Officer

Thoothukudi.

... Respondents



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PRAYER in W.P.:

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To issue a Writ of Certiorarified Mandamus, or any other order or orders in the nature of writ calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na. Ka. No. 3071/A3/2018 dated 05.07.2018 and quash the same and consequent direction may be issued to the respondents to permit the petitioner school to continue the vocational group of General Machinist by admitting students and appointing eligible teachers with grant in aid and pass any other order or orders as this Hon'ble Court may deem fit and proper as to the circumstances of this case and thus render justice.

PRAYER in WMP:

To stay the operation and all the further proceedings of the order passed by the 4th respondent in his proceedings in Na.Ka.No. 3071/A3/2018 dated 05.07.2018 pending disposal of the writ petition and thus render justice.

APPEARANCE OF PARTIES:

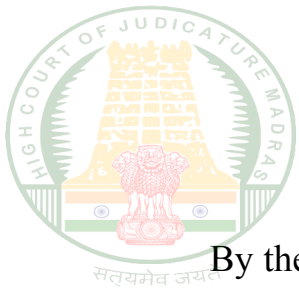
For Petitioner : Mr. T.A.Ebenezer, Advocate

For Respondents : Mr. J.Ashok,
Additional Government Pleader

J U D G M E N T

Heard.

2. The Petitioner is a private higher secondary school established by the CSI, Thoothukudi Nazareth Diocese. In the present writ petition, the petitioner school challenges the order issued by the 4th Respondent.



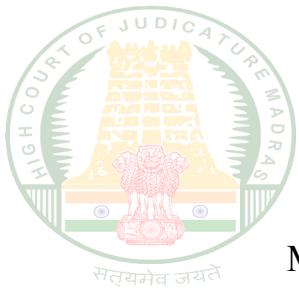
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By the impugned order, the school was informed that the communication of the Joint Director of School Education (Vocational), dated 09.03.2009, had already been circulated to all schools. It was further stated that, with effect from the academic year 2007–2008, no new teachers for the vocational stream should be appointed. If such appointments were necessary, they should be made only through the Parent Teachers Association. The order also directed that where the enrolment of students is below fifteen, they must be admitted to nearby schools, and under no circumstances should fresh admissions be made. The schools were categorically instructed that they shall not act contrary to the Government's order.

3. The writ petition was admitted on 19.12.2018. Upon issuance of notice, the 4th Respondent filed a counter affidavit. In paragraphs 2 and 3, the Respondent has averred as follows:—

“2.It is submitted that the petitioner school is a minority school, established prior to independence, is having Vocational Group namely machinist. The Instructor posted for this Group retired on the Afternoon of 31-05-2018.

3.It is also submitted that the School authorities has applied for the opening of the Vocational Group, General



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Machinist. But the Chief Educational Officer, Thoothukudi, the 4th Respondent of this case rejected the approval for the opening of the General Machinist Group in the petitioner school in his proceedings R.C.No. 3071/A3/2018 dated 05-07-2018 under the following Grounds in proceedings R.C.No 35980/V1/E1/2007 dated 19-11-2010 based on the G.O.Ms.No 8 School Education Department 06-01-2009 and G.O.Ms No 9 School Education Department 06-01-2009

a)The proceeding of the Joint Director (Vocational Education) Chennai has stated that no Teacher for the Vocational Group has been appointed through PTA

b) No students were admitted during the school year 2011-2012.

c) No students were admitted to these Vocational Group without prior permission of the competent authority.

d) The Vocational groups has not been banned and also the appointment of Teaches in schools through PTA and it liable for taking severe action.

These instruction were circulated among schools in R.C.No. 1109/A3/2009 Dated 09-03-2009.

Therefore, that the rejection in R.C.No 3071/A3-2018 dated 05-07-2018 of the Chief Educational Officer, Thoothukudi is in order and does not requires quashed.”

4. The learned Additional Government Pleader, appearing for the respondents, also drew the attention of this Court to a detailed judgment of a Division Bench, in which I was part of the Bench, rendered in W.A. (MD) No. 532 of 2019 and the connected batch cases, dated 09.06.2025. In the operative portion of the said judgment, as contained in paragraphs 15 to 18, the Bench had ordered as follows:—



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“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 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.As far 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 Department, then those cases can be protected.



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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.

17.In respect of individual cases falling within the ambit of the principles considered by this Court in the aforementioned paragraphs, those individuals if they are otherwise eligible and falling within the eligible category, then they are at liberty to approach the authorities. In all other cases where appointments are made to the Vocational Instructors post after issuance of G.O.Ms.No.9, School Education (VE) Department, dated 06.01.2009, approval of appointments cannot be claimed as a matter of right.

18.It is made clear that if those Vocational Instructors appointed prior to G.O.Ms.No.9, School Education (VE) Department, dated 06.01.2009 are qualified, appointed in the sanctioned post and eligible as per Rules, their proposals are to be considered in accordance with Act and Rules.”

5. The Petitioner School cannot contend anything beyond what has already been laid down in the aforesaid order. Consequently, no case has been made out, and the writ petition stands dismissed. The W.M.P. is closed. No costs.

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
ay/LS

11.09.2025



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Copy to:

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DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
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