



W.P.(MD)No.27428 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.27428 of 2023

A.Anto Sagaya Judin

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Represented by its Secretary,
Education, Science and Technology,
(H.S.II) Department,
Madras – 9.
- 2.The Director of School Education,
College Road,
Madras – 6.
- 3.The Joint Director of School Education,
Vocational Education,
Madras – 6.
- 4.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 5.The Correspondent,
St.Francis Xaviers Higher Secondary School,
Thoothukudi.

... Respondents



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WEB PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to include the name of the petitioner for regularisation as full time Vocational Instructor Grade II as per seniority and to pay the time scale in accordance with G.O.Ms.No.35, dated 09.02.2007.

For Petitioner : M/s.Porkodi Karnan
For M/s.Polax Legal Solutions

For R1 to R4 : Mr.T.Amjad Khan
Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. This writ petition has been filed seeking writ of Mandamus to direct the respondents to include name of the petitioner for regularisation as full time Vocational Instructor Grade II as per seniority and to pay the time scale in accordance with G.O.Ms.No.35, dated 09.02.2007.



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3. The petitioner was appointed as part time vocational Teacher for Computer Education in the fifth respondent school on 03.06.2002. He has been working as Vocational Instructor from the date of his appointment till date continuously on consolidate payment of Rs.600/- per Month. The Government vide G.O.Ms.35, School Education (VE) Department, dated 09.02.2007 had regularised service of the Vocational Instructors, who were similarly placed like that of the petitioner in Government Schools and Government Aided Schools. But in spite of the said G.O., the respondents have not taken any steps to regularise the service of the petitioner. Aggrieved by the action of the respondents, the petitioner approached this Court by filing this writ petition.

4. The learned counsel for the petitioner would submit that the issue raised in this writ petition has already been dealt with by the Division Bench of this Court in W.A(MD)No.1350 of 2019. She further submits that by following the said order of the Division Bench of this Court, several orders are passed by this Court.

5. The learned Government Advocate appearing for the respondents 1 to 4 would submit that against the order of the Division Bench of this Court



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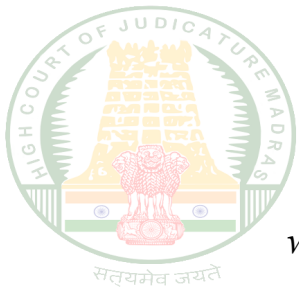
rendered on this aspect has been challenged in the Hon'ble Apex Court and the

WEB COPY said SLPs are dismissed by the Hon'ble Apex Court by its order, dated 26.09.2024 and 12.11.2024

6. In view of the above submissions, it is clear that the issue involved in the present writ petition is no longer *res-integra*.

7. The relevant portion of the judgment of the Division Bench of this Court in W.A(MD)No.1350 of 2019 has extracted herein under:

“8. Furthermore, the respondent cannot dispute the fact that identical case was considered by the Division Bench of this Court in the case of Government of Tamil Nadu and 3 others Vs. S.Velayuthaperumal in W.A(MD)No.1233 of 2013, by Judgment dated 26.04.2017. In the said judgment, there was a reference to another Judgment of the Principal Bench of this Court in W.A(MD)Nos. 158 and 159 of 2012, dated 07.02.2012, by which, the appeals filed by the Government were dismissed and benefit was granted to regularize the services of the part time vocational instructors. As against the said decision, the State filed Special Leave Petition in SLP(Civil) Nos.11338 and 11339 of 2014, which were dismissed by the Hon'ble Supreme Court, by order dated 04.02.2019 observing that no case is made out to interfere



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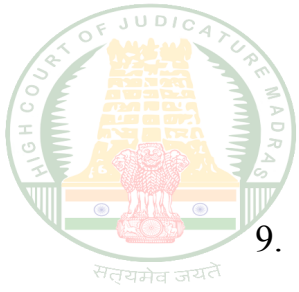
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with the impugned orders passed by the High Court.

Accordingly, the Special Leave Petitions were dismissed.

9. Yet another decision of the Division Bench in the case of Government of Tamil and others Vs. K.M.Gunasekaran and others in W.A.(MD)No.1463 of 2016, dated 30.10.2017 was also decided against the State. The Special Leave Petition filed by the Government against the said decision in SLP(Civil) Diary No(s).37734 of 2018 was dismissed by the Hon'ble Supreme Court, by order dated 04.02.2019. We are also informed that those decisions have been implemented by the respondents. That apart, from the proceedings of the Directorate of Tamil Nadu School Education, Chennai, dated 22.08.2019 we find that in as many as 27 cases orders were passed by the Court, benefits have been granted. Therefore, we are of the considered view that, the said benefits cannot be denied to the appellant."

8. In the light of the dismissal of the SLPs by the Hon'ble Apex Court in Civil Appeal No.12310 of 2024, dated 12.11.2024 and in identical matters, this Court is of the considered opinion that the petitioner is entitled for the relief sought for in this writ petition.



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9. Accordingly, this writ petition is allowed as prayed for. The respondents are directed to take further steps to regularise the service of the petitioner and to pay time scale within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

10.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Secretary,
Education, Science and Technology,
(H.S.II) Department,
Madras – 9.
- 2.The Director of School Education,
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Madras – 6.
- 3.The Joint Director of School Education,
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BATTU DEVANAND, J.

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