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W.A.No.992 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.A.No.992 of 2020
and
C.M.P.No.12152 of 2020 C.M.P.No.& 27466 of 2025**

1. The Director of School Education,
D.P.I. Compound,
Nungambakkam, College Road,
Chennai – 600 006.
 2. The Joint Director of School Education,
(Vocational),
D.P.I. Compound,
Nungambakkam, College Road,
Chennai – 600 006.
 3. The Chief Educational Officer,
Kanchipuram.
 4. The District Educational Officer,
Chengalpattu.
 5. The District Educational Officer,
St.Thomas @ Chrompet, Chennai.
- ...Appellants

Vs.

1. E.SaraL
 2. The Correspondent,
No.47, Butt Road,
St.Thomas Mount,
Chennai – 600 16.
- ... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this Court in W.P.No.9539 of 2019 dated 23.01.2020.

For Appellant	: Mr.U.M.Ravichandran Spl.Govt. Pleader
For Respondents	: Dr.Father.Xavier Arulraj, Senior Counsel for Mrs.A.Arulmary for M/s.Father Xavier Associates for R1 Fr.S.Savarimuthu for R2

J U D G M E N T

S.M.SUBRAMANIAM,J.

The writ order dated 23.01.2020 passed in W.P.No.9539/2019 is sought to be assailed in the present writ proceedings.

2. The present intra-Court Appeal has been instituted by the Directorate of School Education on the ground that the 1st respondent was appointed by the 2nd respondent School as a Vocational Teacher (Accountancy & Auditing) on 05.11.2014 in the vacancies that arose due to the retirement of an incumbent. Proposal was submitted seeking approval



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of appointment. It was rejected by the competent authority mainly on the ground that the post of Vocational Teacher was abolished by the Government and therefore, the said post cannot be filled by the 2nd respondent School.

3. Learned Senior Counsel Mr.Xavier Arulraj, would contend that the appointment of the 1st respondent was made pursuant to the vacancy arose on account of retirement of the incumbent and therefore, there was no infirmity. That apart, the post of Vocational Instructor was sanctioned even in the subsequent years by the Chief Educational officer. That being so, the appointment was validly made.

4. Learned Special Government Pleader would submit that the Government took a policy decision and abolished the post of Vocational Instructors in G.O.Ms.No.9 School Education Department dated 06.01.2009. When the post itself came to be abolished, any entry made by the subordinate authorities in the inspection report will not provide right to appoint any candidate against the abolished post. Government will not be in



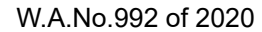
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a position to approve such appointment nor obligated to pay grant in aid.

After abolition of the post of Vocational Instructor, no appointment can be made nor appointment made irregularly can be approved.

6. The issues raised in this regard with reference to G.O.Ms.No.9 dated 06.01.2009 is no more *res integra*. The Division Bench of the Madurai Bench of Madras High Court in a batch of Writ Appeals in W.A.No.532 of 2019 etc. batch, elaborately considered the issues and delivered a judgment on 09.06.2025 and the relevant paragraphs are extracted hereunder.

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



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.

19. In fine, the writ orders impugned are set aside and the Writ Appeals stand allowed. There shall be no as to costs. Consequently,



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connected Miscellaneous Petitions are closed.

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7. In view of the judgment delivered by the Co-ordinate Bench in the judgment cited supra, the present Writ Appeal deserves to be allowed. Accordingly, the writ order impugned is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
08.01.2026

vsi
Index:Yes/No
Speaking/Non-speaking order
Neutral citation



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