



W.P(MD)NO.1925 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :02.01.2026

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1925 of 2019

T.Pon Rajasingh

... Petitioner

.Vs.

1.The Secretary to Government,
Department of School Education,
St.George Fort,
Chennai.

2.The Director of School Education,
School Education Department,
DPI Compound,Chennai.

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The District Educational Officer,
Valliyur Educational District,
Tirunelveli.

5.The Correspondent,
Walker Higher Secondary School,
Dhonavur,Tirunelveli.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned staff fixation report of the third respondent in Na.Ka.No. 7510/Aa2/2017, dated 23.10.2017 insofar as condition restricting the appointment of vocational instructor in the new vacancy caused at 5th respondent school and consequential impugned rejection order passed by the fourth respondent in O.Mu.N. 363/A1/2018, dated 5.9.2018 quash the same and consequently direct the fourth respondent to approve the Petitioner's appointment as vocational instructor at 5th respondent and give all other service and monetary benefit from 3.1.2004.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.P.T.Thiraviam
1 to 4 Government Advocate

For Respondent-5 : No appearance

ORDER

The present Writ Petition has been filed challenging the order passed by the fourth respondent on 5.9.2018 rejecting the request of the fifth respondent-Management to approve the appointment of the Writ Petitioner as Vocational Instructor(Electrical Domestic Appliances).

2.A perusal of the impugned order reveals that the proposal sent by the management has been rejected primarily on the



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ground that that the proposal has been received after a period of 14 years and the post which fell vacant due to the retirement of Vocational Instructor cannot be filled up. This order was put to challenge in the present Writ Petition.

3. According to the learned counsel for the Writ Petitioner, he was appointed to the post of Vocational Instructor on the retirement vacancy of one Bangaru Rajulu, who attained superannuation on 31.5.2003. He further submits that the staff fixation order for the relevant year also reflects that there is a vacancy for the post of Vocational Instructor,. It was brought to the notice of this Court that the approval order of Bangaru Rajulu does not reveal that the post would got surrendered on his retirement.

4. Per contra, the learned Government Advocate appearing for the respondents 1 to 4 submits that the post of Vocational Instructor has been abolished by way of G.O.Ms.No.19, dated 6.1.2009. In view of the above said Government Order, in any retirement vacancy, a new candidate cannot be appointed. Hence he prayed for sustaining the order impugned in this Writ Petition.



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5.I have heard the submissions made on either side and perused the materials placed on record.

6.The Division Bench of this Court in the judgment rendered in **W.A.No.506 of 2020, dated 24.09.2025**, had an occasion to consider similar submission raised by the respondent Officials. Para 14 to 18 of the said judgment are extracted as follows:

“14.The Government Advocate’s submission justifying the non approval of Vocational Instructor is solely based upon G.O.Ms.No.9, School Education (VE)Department, dated 6.1.2009.According to the State, under the said Government Order, the vocational streams of education have been abolished in the Higher Secondary Course. Therefore, for appointment of any Vocational Instructor, approval cannot be granted after 6.1.2009.

15.A perusal of the said Government Order reveals that the Government has only prohibited starting of new Vocational Courses from the academic year 2007-2008 and Vocational Instructors should not be appointed either by School Management or Parents Teachers Association. If any institution wants to start a new Vocational Course, prior permission of the Government is necessary.

16.A close scanning of the above Government Order discloses that there is no abolition of existing vocational streams which have been already sanctioned by the Government. When the vocational streams have not been abolished, the State cannot refuse to approve the appointment of Vocational Instructors to the said streams.

17.It is also not in dispute that the State is publishing syllabus, issues hall tickets and conducts Board Examination for all the vocational



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streams even as on today. The Government has also extended all the benefits to the students admitted to the vocational streams like supply of fee books, bicycle, lap-top etc.,

18.The private schools were earier regulated under Tamil Nadu Recognized Private Schools(Regulation)Act, 1973. The new Act namely, Tamil Nadu Private Schools(Regulation)2018 came into force on 13.1.2023.The Rules under the said Act were published in the Government Gazette in G.O.Ms.14,School Education(MS) on 13.1.2023.Rule 28(4)(b) deals with minimum qualification to be possessed by a teaching or non teaching staff of every aided private school shall be as prescribed in Annexure IV-A and Annexure IV-B respectively. Serial No.13 to 25 deal with educational qualification required for Vocational Instructors under various streams. Serial No.25 deals with Vocational Instructor for the stream of Accountancy and Auditing. For the said vocational stream educational qualification of bachelor degree in Commerce has been prescribed. Therefore, it is clear that the existing vocational streams have not been abolished under G.O.Ms.No.9, School Education(VE)Department, dated 6.1.2009. Had they been abolished in the year 2009, educational qualification for various vocational streams would not have been prescribed under 2018 Act which came into force on 13.1.2023."

7.In the present case, the Petitioner has been appointed on 3.1.2004 in the retirement vacancy of one Bangaru Rajulu. The appointment of Bangaru Rajulu was approved by the authorities by way of proceedings, dated 24.4.1991.A perusal of the said approval order does not reveal any condition that the post would got reverted back to the Government on his retirement. A perusal of the staff fixation order for the academic year 2003-2004 reveals that two posts have been sanctioned for the vocational



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Instructors. In such circumstances, this Court is of the opinion that the approval order cannot be rejected citing G.O.Ms.No.9, School Education (VE)Department, dated 6.1.2009.

8.In view or the above said facts, the impugned order is set aside and the Writ Petition stands allowed. The respondents are directed to approve the appointment of the Writ Petitioner w.e.f. 3.1.2004 and confer all attendant and monetary benefits within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

02.01.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

- 1.The Secretary to Government,
Department of School Education,
St.George Fort,
Chennai.
- 2.The Director of School Education,
School Education Department,
DPI Compound,Chennai.
- 3.The Chief Educational Officer,

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Tirunelveli District,
Tirunelveli.

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4.The District Educational Officer,
Valliyur Educational District,
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R.VIJAYAKUMAR.,J.

vsn

ORDER MADE IN

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