



W.P(MD)NO.23572 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.23572 of 2019

Smiline Benita

... 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,
Tenkasi Educational District,
Tirunelveli.

5.The Correspondent,
Barenbruck Higher Secondary School,
Bungalow Surandai,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 rejection order passed by the fourth respondent in A.Thi.Mu.No. 1487/Aa3/2019, dated 2.7.2019 quash the same and consequently direct the fourth respondent to approve the Petitioner's appointment as Vocational Instructor at 5th respondent School and give all other service and monetary benefits from 6.6.2019.

For Petitioner : Mr.S.Chellapandian

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

For Respondent-5 : Mr.P.P.Alwinbalan

ORDER

The present Writ Petition has been filed challenging the order passed by the fourth respondent on 2.7.2019, wherein, the proposal of the fifth respondent Management to approve the appointment of the Writ Petitioner has been rejected.

2.A perusal of the impugned order reveals that the post would got lapsed on the retirement of one Mr.G.Singaraj and it is only a part time Vocational Instructor Post. It has been further



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contended that the post has been declared to be surplus from the year 2019 onwards. This order is put under challenge in the present Writ Petition.

3.According to the learned counsel for the Writ Petitioner, the Petitioner was appointed on 6.6.2019 in the retirement vacancy of one Mr.G.Singaraj. The approval order to appoint Singaraj does not reveal that the post would get lapsed on his retirement. He further pointed out that the school is still running the said stream and the students are appearing for the Board Examination conducted by the respondents/Officials. He further relies upon the staff fixation report for the year 2018-19 which reveals that there is one sanctioned post for the post of full-time Vocational Instructor for the stream (Accountancy and Auditing)

4.Per contra, learned Government Advocate appearing for the respondents 1 to 4 submits that the post of Vocational Instructor would get lapsed on retirement of Mr.G.Singaraj. It should be treated as a surplus post. Hence he prayed for sustaining the order impugned in this Writ Petition.

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



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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 yer 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 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.,



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18. *The private schools were earlier 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, as per the Staff Fixation Order, there is a sanctioned post for a full time Vocational Instructor in the stream of Accountancy and Auditing for the academic year 2018-2019, in which post the Petitioner was appointed. A perusal of the appointment order of Mr.G.Singaraj does not reveal that that the post would got lapsed on his retirement. In view of the said order, the contention of the respondents that the Writ Petitioner cannot be appointed on the retirement vacancy of one Mr.G.Singaraj, is not sustainable in law.



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8.In view of 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. 6.6.2019 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

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- 2.The Director of School Education,
School Education Department,
DPI Compound,Chennai.
- 3.The Chief Educational Officer,
Tirunelveli District,
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- 4.The District Educational Officer,

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Tenkasi Educational District,
Tirunelveli.



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R.VIJAYAKUMAR.,J.

vsn

ORDER MADE IN

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