

(2011) 09 MAD CK 0242

Madras High Court

Case No: Writ Petition No. 25942 of 2009 and M.P. No. 1 of 2009

N. Kumar, J. Prabhu and S.

Ravichandran

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision: Sept. 12, 2011

Acts Referred:

- Constitution of India, 1950 - Article 14, 16

Hon'ble Judges: N. Kirubakaran, J

Bench: Single Bench

Advocate: V.R. Shanmuganathan, for the Appellant; K.V. Dhanapalan, Additional Government Advocate, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

N. Kirubakaran

1. The petitioners have approached this Court, seeking Mandamus directing the respondents to place the petitioners as the eligible and qualified vocational instructors for commerce and business in the respondents School Education Department in the feeder category for the promotion to the post of High School Head Master/Head Mistress on par with B.T.Assistant and Tamil Pandits, as per their seniority.

2. The petitioners were appointed as Vocational Instructors in commerce and business and their services were regularised with effect from 16.10.1992. The Government passed G.O. Ms. No. 6, School Education (VE) Department dated 04.01.2000, which clearly states "the general and special rule applicable to holders of permanent posts in the Tamil Nadu School Education Subordinate Service shall apply to the holders of the temporary posts of vocational instructors sanctioned

from time to time. In another G.O. Ms. No. 185 dated 25.08.2008, whereby, the vocational instructors for commerce and business were placed in the feeder category for the purpose of promotion to the post graduate teacher for commerce. For doing so, the date of their regularisation would be taken into account for the purpose of seniority, if they had completed M.Com and B.Ed., prior to their regularisation.

3. As far as the post of Head Masters/Head Mistress in the High School is concerned, the feeder category was B.T. Assistant. The apprehension of the petitioners that they will not be considered for the promotion to the post of Head Master/Head Mistress. As per the G.O. Ms. No. 185, dated 25.05.2008, on recommendation of the Director of School Education, it was decided to treat the Vocational Instructors, who fulfilled the necessary qualification on par with B.T.Assistants, for being empanelled, for further promotion to Vocational Instructors, possessing requisite qualification, in pursuance to their equality with B.T.Assistants. Therefore, the petitioners are required to be considered as eligible Vocational Instructors in commerce and business for empanelment for the post of Headmasters/Headmistress.

4. In similar circumstances, this Court has disposed the Writ Petition. No. 11877 of 2009 dated 28.02.2011, in paragraph-9, it reads as follows;

The stand taken by the respondents to oppose the petition cannot be accepted, for the reason that the Government, Vide G.O. Ms. No. 185 dated 25.05.2008, on recommendation of the Director of School Education, decided to treat the Vocational Instructors, who fulfilled the necessary qualification on par with B.T.Assistants, for being empanelled, for further promotion to the post of Headmasters/Headmistress. In view of G.O. Ms. No. 185, it is not open to deny the right of consideration for further promotion to Vocational Instructors, possessing requisite qualification, in pursuance to their equality with B.T. Assistants. The denial of right of consideration for promotion to the post of Headmasters/Headmistress is thus hit by Articles 14 and 16 of the Constitution.

5. In view of that the respondents are directed to consider the case of the petitioners for empanelment for the post of Headmasters/Headmistress in accordance with law, subject to their fulfillment of qualification. The writ petition is disposed of with the above terms. Consequently, connected Miscellaneous Petition is closed. There is no order as to costs.