

**The Government of Tamilnadu rep. by its Secretary, Education, Science and Technology (H.S.II) Department, Madras and Others Vs. K.M. Gunasekaran and Others**

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**Court :** Chennai

**Decided On :** Oct-09-2015

**Judge :** D. Hariparanthaman

**Appeal No. :** Review Application No. 276 of 2014 in W.P. No. 18183 of 2013

**Appellant :** The Government of Tamilnadu rep. by its Secretary, Education, Science and Technology (H.S.II) Department, Madras and Others

**Respondent :** K.M. Gunasekaran and Others

**Judgement :**

(Prayer: Review Petition filed under Order XLVII Rule 1 read with Section 114 of C.P.C. to review the order dated 04.07.2013 passed in W.P.No.18183 of 2013 and to set aside the same.)

1. The petitioners in W.P.No.18183 of 2013 filed Contempt Petition No.683 of 2015 complaining that the order passed by this Court dated 04.07.2013 in W.P.No.18183 of 2013 is not complied with. While so, the State has filed the Review Application No.276 of 2014 before this Court.

2. Admittedly, the writ petitioners are 25 in number. They were employed as part time Vocational Instructors in the Government Schools or Aided Schools and they were appointed by Parent Teachers Association. All of them are in possession of requisite qualifications. They filed W.P.No.18183 of 2013 seeking for issuance of a Writ of Mandamus, directing the respondents to send the petitioners for short term training course of the concerned District Institute of Educational Training (DIET) within a stipulated time that may be fixed by this Court and regularise the services of the petitioners as full time Vocational Instructors in terms of G.O.Ms.No.834, Education Department dated 23.9.1994 and G.O.Ms.No.358, School Education Department, dated 18.8.1997 with effect from initial date of appointment besides paying all the arrears within a short time that may be fixed by this court with all consequential service benefits such as due placement in the seniority on the basis of length of service and all other allowances attached to the posts.

3. When the matter came up for admission, the Writ Petition was allowed at the admission stage itself on 04.07.2013 without any counter affidavit being filed by the respondents in the Writ Petition.

4. This Court allowed W.P.No.18183 of 2013 on 04.07.2013 on the ground that the matter is covered by the order dated 07.02.2012 of the Division Bench in W.A.Nos.158 and 159 of 2012 confirming the order dated 31.03.2011 passed in W.P.Nos.6821 and 6822 of 2011.

5. This Court issued a direction to regularise the services in terms of G.O.Ms.Nos.834, Education Department, dated 23.09.1994 and G.O.Ms.No.358, School Education Department, dated 18.08.1997 and also this Court proceeded on the basis that hundreds of persons like petitioners were regularised.

6. In these circumstances, the writ petitioners filed Contempt Petition No.683 of 2015 complaining that the order was not complied with and the State has filed the Review Petition.

7. Heard both sides.

8. The details of the service particulars of the writ petitioners, which were filed by the writ petitioners, are in para 9 of the affidavit filed in support of the writ petition. It is useful to extract the service particulars as given by them hereunder as the same is not disputed by the State :

<b>Sl.No</b>	<b>Name</b>	<b>Name of the School working</b>	<b>Date of appointment</b>
1.	A.Tensingh Ponraj Vocational Instructor(Mechanical)	C.C.M.Hr.Sec.School,Idayangudi,Tirunelveli District	01.08.19
2.	K.M.Gunasekaran Vocational Instructor (Agri)	Govt.Hr.Sec.School,Kangayam, Erode District	01.08.19
3.	S.Selvakumari Vocational Instructor(Needle Work Dress Making and Embroidery)	Govt.Girls Hr.Sec.School, Kadayanallur Tirunelveli District.	20.07.19
4.	K.Parimalambigai Vocational Instructor(Designing and Dress Making)	Govt.Girls Hr.Sec. School, Ulundurpet, Villupuram District	10.10.19
5.	C.Suresh Indirakumar Vocational Instructor(Electrical)	Govt.Hr.Sec.School, Munchirai, Kanyakumar Dist.	18.07.19
6.	U.Seeni Pandi Vocational Instructor (Agri)	Gomathiambal Govt.Hr.Sec.School, Sankarankoil, Tirunelveli District	15.01.19
7.	P.Ramesh, Vocational Instructor(Typewriting)	Govt.Hr.Sec.School,Ambalur.Vedaraniyam Taluk, Nagapattinam Dist.	05.10.19

8.	S.Annammal,Vocational Instructor (Nursing)	Govt.Girls Hr.Sec.School, Pattukkottai, Tanjore District.	09.06.19
9.	G.Arumugam,Vocational Instructor (Agri)	Govt.Boys Hr.Sec.School, Elumalai, Madurai District.	01.07.19
10.	A.Selvakumaran,Vocational Instructor (Agri)	Rajah's Hr.Sec.School, Sivagangai	12.07.19
11.	A.KannanVocational Instructor (Agri)	Govt.Hr.Sec.School, Lalgudi, Trichy Dist “ 621 601.	12.07.19
12.	A.NatarajanVocational Instructor(Agri)	Govt.Hr.Sec.School, Vadakadu.Pudukottai District.	21.08.19
13.	T.SekarVocational Instructor(Agri)	Govt.Hr.Sec.School, Vadakadu.Pudukottai District.	26.08.19
14.	P.RajanVocational Instructor(Type)	Govt.Boys Hr.Sec.School, Natrampalli “ 635 852Vellore District.	16.06.19
15.	S.SreedharanVocational Instructor(Type)	Dr.Radhakrishnan Govt.Boys Hr.Sec. School, Tiruttani, Tiruvallur District.	05.08.19
16.	P.ArunagiriVocational Instructor(Agri)	Govt.Hr.Sec.School,Velleppallam Post,Vedaraniyam Taluk, Nagapattinam District	28.07.19
17.	K.RamarVocational Instructor(Agri)	Govt.Hr.Sec.School, Odaipatti,Theni District.	04.09.19
18.	C.VimalabaiVocational Instructor(Nursing)	K.D.V.P.G.G.Hr.Sec.School, Kottar, Nagercoil	02.06.19
19.	M.ManiVocational Instructor(Agri)	Govt.Hr.Sec.School, Orthi.Madhuranthakam Taluk,Kancheepuram Dist.	18.08.19

20.	L.John Mariyaraj Vocational Instructor(Electrical Machines and Appliances)	Govt.Hr.Sec.School, Illuppur,Pudukkottai District	18.08.1997
21.	A.Jebamalar Vocational Instructor(Nursing)	L.M.P.C.Hr.Sec. School, Puthalam Nadu Puthalam, Kanyakumari Dist.	01.06.2000
22.	M.Mohan Vocational Instructor (Agri)	S.I.Govt.Hr.Sec. School, Tiruvannamalai	21.07.2000
23.	M.Palani Vocational Instructor(Mechanic)	Govt.Boys Hr.Sec.School, Thandrampet, Dharmapuri Dist.	09.08.2000
24.	G.Ramadass Vocational Instructor(Agri)	Govt.Boys Hr.Sec.School, Vellepallam, Chidambaram Taluk, Cuddalore District.	20.10.2000
25.	K.Santhoshkumari Vocational Instructor (Agri)	Govt.Hr.Sec.School, Tiruvannamalai.	02.07.2000

9. According to the learned Government Advocate, the reliance placed by the Court in the order dated 31.03.2011 in W.P.Nos.6821 and 6822 of 2011 which was confirmed by the Division Bench cannot be applied to all the petitioners herein.

10. According to the learned Government Advocate, the petitioners in W.P.Nos.6821 and 6822 of 2011 joined the service as Vocational Instructors on 23.10.1986 and 8.7.1981. Further, it is stated that the petitioners being appointed by the Parents Teachers Association, they cannot seek aid of G.O.Ms.No.834, Education Department, dated 23.09.1994 and G.O.Ms.No.358, School Education Department, dated 18.08.1997 and the persons covered under those Government Orders were not appointed by the Parents Teachers Association and they were directly appointed by the Government Schools.

11. The learned Government Advocate has submitted that the petitioners are covered by G.O.Ms.35, School Education Department, dated 09.02.2007.

12. The learned Government Advocate has brought to my notice the said Government Order, more particularly, para 2(III) and also Clause 4 of the said Government Order and the same is extracted here under:

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13. According to the learned Government Advocate, the petitioners who joined before 20.09.1996 are entitled to the benefit of G.O.Ms.No.35 for regularisation and the benefit provided under the said Government Order and the persons who joined after 20.09.1996 cannot claim the benefit of regularisation.

14. On the other hand, the aforesaid facts are not seriously disputed by the learned Counsel for the Writ Petitioners. But the learned Counsel for the Writ Petitioners has submitted that the Director of School Education in his proceedings in Na.Ka.No.13758/V1/E1/2010 dated 11.04.2011 sent a proposal to regularise the services of the Vocational Instructors to the Secretary to Government, School Education Department, Secretariat, Chennai. As per the proposal, the Director sought for regularisation of 52 Vocational Instructors.

15. According to the learned Counsel for the Writ Petitioners, except the petitioner in Sl.No.25, others are covered by the proposal sent by the Director for regularisation and therefore, they are also entitled to regularisation and this Court need not interfere with the earlier Order of this Court.

16. In view of the aforesaid submissions put forth by both sides, I am of the view that my Order dated 04.07.2013 in W.P.No.18183 of 2013 granting regularisation shall be confined up to the Writ Petitioners 1 to 13 who joined the service before 20.09.1996 and they are entitled to be regularised as per G.O.Ms.No.35 and the learned Government Advocate has also no objection for granting the relief as sought for and the learned Government Advocate has also not disputed that those persons who joined service before 20 .09.1996 are entitled to the relief of regularisation as per G.O.Ms.No.35 . Hence, my order dated 04.07.2013 in W.P.No.18183 of 2013 granting the benefit of regularisation to the 25 persons is now modified and the regularisation order is confined and a direction is issued to regularise the Writ Petitioners 1 to 13 who joined service before 20.09.1996.

17. The respondents are directed to comply with the Order within a period of four weeks from the date of receipt of a copy of this Order in respect of those 13 persons. The Registry is directed to post the Contempt Petition after 4 weeks for

compliance.

8. As far as the others are concerned, I am of the view that the Secretary to Government, School Education Department, Secretariat, Chennai, would pass an order on the proposal sent by the Director of School Education dated 11.04.2011 in the light of the various Government Orders passed by the Government regarding regularisation of the Vocational Instructors, within a period of two months from the date of receipt of a copy of this Order on merits and in accordance with law.

19. Though the name of the 25<sup>th</sup> writ petitioner is not included in the proposal of the Director, the Government is also directed to consider her claim for regularisation along with others i.e. the Government is directed to consider the claim of the Writ Petitioners 14 to 25 and pass an order relating to regularisation on merits and in accordance with law, based on the proposals of the Director of School Education as stated above and also pass orders within a period of two months from the date of receipt of a copy of this Order.

20. The Review Application is disposed of in the above terms.

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