

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6791 OF 2014

TAMIL NADU TECHNICAL TEACHERS ASSOCIATION

APPELLANT

VERSUS

THE SECRETARY TO GOVT., EDUCATION
DEPARTMENT, GOVT. OF TAMIL NADU
RESPONDENT

ORDER

1. The appellant-Association has challenged the judgment and order dated 18th November, 2010, passed by the Madurai Bench of the Madras High Court in a Writ Appeal¹ preferred by the Association against an order dated 24th July, 2007, passed by the learned Single Judge dismissing their writ petition². In the writ petition, the appellant – Association had prayed for the following relief:

“It is therefore, prayed that this Hon'ble Court may be pleased to issue a writ of Certiorari mandamus or any other writ or order or direction in the nature of writ calling for the records relating to the G.O. Ms No. 752, dt.18.10.96 issued by education, science and technology department and quash the clause 3(3) thereof and consequently direct the respondents to redesignate craft teachers working in the government schools of Tamil Nadu as secondary grade teachers and pass such further or other orders as this Hon'ble Court may deem fit and proper and thus render justice.”

2. The said petition was dismissed by the learned Single Judge holding *inter alia* that the members of the appellant-Association had already been given the benefit of the post of part time Craft Teachers that was converted into full time teachers on undergoing training for a period of three months, whereafter they

¹ Writ Appeal (MD) No. 387 of 2007

² Writ Petition (MD) No. 3049 of 2004

were permitted to teach in schools at par with Secondary Grade Teachers³. The said benefit enured in favour of the appellant-Association in terms of G.O. Ms.No. 752 dated 18th October, 1996, issued by the Government of Tamil Nadu. By virtue of the said G.O., the Government opined that the pre-vocational Instructors deserved to be appointed on a full time basis subject to their possessing requisite qualifications, and after imparting them training for a period of three months, it was decided that persons who were not 8th Standard pass or possessed vocational training with Technical Teacher Certificate⁴ shall be appointed in the pay scale of ₹950-1500 and those who are 8th Standard pass, had vocational training/TTC qualification, would be appointed on a full time basis on the pay scale of ₹1200-2040.

3. Consequent upon the aforesaid decision, the State Government decided to amend the earlier GO No. 224 (Education) dated 24th March, 1994 and appoint 173 part time Vocational Instructors in the aforesaid pay scales, who had qualified by undertaking three months training as full time Vocational Instructors. The manner in which 173 part time Vocational Instructors were to be appointed has been set out in paragraph 3 of the GO dated 18th October, 1996. It was noticed in paragraph 3(2) that since part time Vocational Instructors were being made permanent Vocational Instructors, they will have to perform teaching duty of Middle School Teachers⁵, in addition to the duty of Vocational Instructors. Paragraph 3(3) states that those Vocational Instructors

³ For short 'SGTs'

⁴ For short the 'TTC'

⁵ For short MSTs

who had not obtained proper training from MSTs, could not be considered as equivalent to MSTs, nor could they be considered for further promotion, as mentioned in the Tamil Nadu Elementary Educational Subordinate Services Rules⁶.

4. After being appointed as MSTs in terms of the aforesaid GO Ms.No. 752 dated 18th October, 1996 and continuing to discharge duty for a period of almost one decade, between the period 1992 to 1994, members of the appellant-Association filed a writ petition before the High Court challenging clause 3(3) of the aforesaid GO*, which challenge has been repealed by the learned Single Judge who has observed that the members of appellant-Association had already taken the benefit of the GO Ms. No. 752, dated 18th October, 1996, by undergoing three months training and were permitted to teach in schools at par with the SGTs. However, since they did not meet the requisite eligibility criteria laid down for Secondary Grade Teachers, they could not claim parity with them for the purposes of promotion and other benefits. It was also observed that under Article 226 of the Constitution of India, Courts cannot undertake an exercise of equating the Diploma in Education obtained by the SGTs as against the three months training undergone by the members of the appellant-Association to treat them at par with SGTs. For arriving at the said conclusion, the Court sought to place reliance on a decision of this Court in ***S. Devasahayam and Another vs. The Joint Director and Another***⁷

⁶ For short the 'Rules'

⁷ (2004) 9 SCC 77

wherein the fact situation was somewhat similar to the instant case. The learned Single Judge concluded that the respondent-State Government not having amended the Rules, Courts could not intervene and undertake an exercise to grant any benefit to the appellant-Association by quashing paragraph 3(3) of the GO Ms No. 752, dated 18th October, 1996.

5. Aggrieved by the aforesaid decision, the appellant - Association had filed an intra-Court appeal¹ which has been dismissed by the Division Bench by observing that members of the appellant-Association had availed of the benefit of upgradation from part time Craft Teachers to full time Craft Teachers on the strength of the very same GO Ms No. 752, dated 18th October, 1996, clause whereof has now been sought to be assailed by them after almost over a decade, which was impermissible. It was further observed that till the date of passing of the impugned judgment, the State Government had not amended the relevant Rules and in the absence of the said amendment, members of the appellant-Association could not be redesignated as Senior Grade Teachers.
6. On directions issued by this Court on 09th August, 2023, the respondent-State Government has filed an affidavit stating *inter alia* that the qualifications prescribed for Secondary Grade Teachers is 12th Standard pass with a Diploma in Teacher Education. Paragraph 2 of the GO No.49 dated 22nd August, 2001 states that if the full time Pre-Vocational Instructors possess the qualification prescribed for a SGT, then they can be considered for appointment as a SGT, by transferring their services and relaxing the

conditions mentioned in paragraph 1 of the said GO, without any amendment to the Rules. It has further been averred that as per GO Nos.752 and 243, full time Pre-Vocational Instructor who are qualified with 10th Standard pass with TTC have been fixed in the same time scale of pay, at par with the SGTs and are instructed to teach subjects handled by them wherever the necessity arises. In other words, if a full time Pre Vocational Instructor is allotted 28 periods of work in a week and they undertake 24 periods of work, then for the remaining four periods that are allocated to them, they are called upon to handle classes of SGTs whenever the necessity arises. It has been further averred in the affidavit that the promotional aspects of the SGTs, would be seriously impacted if the full time Vocational Instructors (Craft Teachers) are treated at par with SGTs and redesignated as Senior Grade Teachers inasmuch as they would gain seniority over the fully qualified SGT recruited directly, subsequent to their absorption.

7. Given the aforesaid facts and circumstances, we are of the opinion that this is not a case where members of the appellant-Association can be treated as equal to the SGTs who are recruited directly and, therefore they cannot claim that they must be treated at par. The two posts fall in different categories under the Tamil Nadu Elementary Educational Subordinate Services. It was only with the intention of granting them a better pay scale that GO No. 49 dated 22nd August, 2001, was issued, while any amendment to the Rules is still awaited. Further, the post of Craft Instructors is a dying category and

even as per the learned counsel for the appellant-Association, out of 543 members only 120 remain in service, while the rest have superannuated.

8. In the aforesaid facts and circumstances, this Court is of the opinion, that the impugned judgment does not deserve any interference. The same is, accordingly upheld, while dismissing the present appeal as meritless, leaving the parties to bear their own expenses.

.....J.
(HIMA KOHLI)

.....J.
(AHSANUDDIN AMANULLAH)

NEW DELHI;
FEBRUARY 01, 2024

PS

ITEM NO.103

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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TAMIL NADU TECHNICAL TEACHERS ASSN.

APPELLANT(S)

VERSUS

THE SECRETARY TO GOVT. EDUCATION DEPARTMENT

RESPONDENT(S)

Date : 01-02-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s)

Mr. G. Balaji, AOR

Mr. Neeleshwar Pavani, Adv.

For Respondent(s)

Mr. K. Radhakrishnan, Sr. Adv.

Mr. D.Kumanan, AOR

Mr. Sheikh F Kalia, Adv.

Mrs. Deepa. S, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order, which is placed
on the file.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)