



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM:

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.A(MD)NO.1052 OF 2020
and
C.M.P(MD)No.5776 of 2020**

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
 - 2.The Director of School Education,
College Road,
Chennai - 600 009.
 - 3.The Chief Educational Officer,
Madurai,
Madurai District.
 - 4.The District Educational Officer,
Madurai - 625 002,
Madurai District.
- :Appellants/Respondents

.vs.

The Correspondent,
Holy Family Girls Higher Secondary School,
Gnanaolivupuram,
Madurai - 625 016.

: Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.20527 of 2019, dated 10.02.2020.

Prayer in WP(MD). 20527/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned orders issued by the 3rd respondent chief Educational Officer in O.Mu.No.3083/E1/2019 dated 03.4.2019 and the consequent proceedings of the 4th respondent District Educational Officer in Na.Ka.NO.2211/A3/2019 dated .06.2019 quash the same and further direct the respondents herein to approve forthwith the



promotions of S.I.gnatiuss as Record Clerk and the appointment of D.Jeya Seela Rajathi as Office Assistant w.e.f. 01.6.2018 in the petitioner school and disburse the grant in aid towards their salary with all attendant benefits from the said date

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For Appellants

:Mr.S.R.A.Ramachandhran
Addl.Govt.Pleader

For Respondent

:M/s.A.Amala

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is directed against the order of the learned Single Judge made in W.P(MD)No.20527 of 2019, dated 10.02.2020.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Government is the appellants herein, challenging the direction given by this Court to disburse the grand-in-aid towards salary of certain employees namely, S.Ignatius and D.Jeya Seela Rajathi, who were appointed as Record Clerk and Office Assistant respectively from the date of their appointment with all other attendant benefits. The appellants have rejected the approval by stating that G.O.(Ms)No.238, School Education(Pa.Ka.6(1))Department, dated 13.11.2018. The said Government Order does not recognize these two posts namely, the Record Clerk and the Office Assistant. Admittedly, for the above said posts, sanction was granted by virtue of Government Order in G.O(Ms)No.1731, Education Department, dated 28.12.1996. G.O.(Ms)No.238, School Education(Pa.Ka.6(1)) Department, dated 13.11.2018 has set out certain guidelines for filling up the posts of non-teaching staffs in Government Aided Private Schools and it does not refer to the post of Record Clerk or Office Assistant. Therefore, it is now argued by the learned Additional Government Pleader appearing for the appellants that since the Government has taken a policy decision to limit the non-teaching staffs, it is a power to restrict the grant-in-aid for such posts, taking into account the reduction in expenses to be incurred by the Government and it is stated that the said Government Order could not be issued with retrospective effect from the date of issuance of the said Government Order. Admittedly, the staffs in question were promoted or appointed on 1.6.2018 and the Government Order was issued only on 13.11.2018. The Writ Appeal filed by the appellants is based on the said grounds, cannot be maintained.

4.Accordingly, the Writ Appeal is dismissed, confirming the order of the learned Single Judge and the appellants are directed to disburse the grant-in-aid to the said two employees namely,



S.Ignatius and D.Jeya Seela Rajathi from the date of their promotion or appointment together with all other attendant benefits, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO:

- 1.The State of Tamil Nadu,
represented by its Secretary,
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+1 CC to M/s.A.AMALA, Advocate (SR-37624[F] dated 07/12/2021)
+1 CC to M/s.SPL GP (SR-37620[F] dated 07/12/2021)

W.A(MD)NO.1052 OF 2020 and
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06.12.2021

RD(23.12.2021) 3P 7C