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1

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.02.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P No.3354 of 2023**  
**and W.M.P No.3423 of 2023**

The Headmistress and Correspondent,  
St. Anne's Girls Higher Secondary School  
Cuddalore – 607 001.

Petitioner

vs.

1. The Government of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St. George, Chennai – 600 009.

2. The Director of School Education,  
College Road, Chennai – 600 006.

3. The Chief Educational Officer,  
Chief Educational Office,  
Cuddalore – 607 001.

4. The District Educational Officer,  
District Educational Office,  
Cuddalore – 607 001.

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent District Educational Officer in Na.ka. No.00452/Aa2/2022 dated 27.09.2022 (as Signed) quash the same and further Direct the 3rd and 4th respondents to approve forthwith the



appointment of Mrs.A.Juliet mary as Sewing Mistress in the petitioner school with effect from the date of her appointment viz. 03.06.2021 and release salary and all attendant benefits with effect from the said date

For Petitioner : Ms.H.Mary Sowmi Rexi

For Respondents : Mr.D.Ravichander  
Special Government Pleader

### **ORDER**

Considering the limited issue involved in this writ petition and also the fact that it is covered by the earlier judgment of the Division Bench in W.A.(MD)No.76 etc., of 2019, dated 31.03.2021, the main writ petition itself is taken up for final hearing.

2.The case of the petitioner is that, in the petitioner School, out of 2 posts of Sewing Mistress, one post fell vacant due to the death of the incumbent Sr.S.Jakuline Alphonsa Mary on 27.05.2021. In the resultant vacancy, the School appointed one Mrs.A.Juliet Mary as Sewing Mistress with effect from 03.06.2021. The concerned teacher also joined service on the same day, i.e., 03.06.2021 and she is continuing till date.

3.The petitioner School submitted the necessary proposal to the 4<sup>th</sup> respondent for approval of her appointment for the purpose of disbursement of



grant-in-aid towards her salary. The said proposal was returned by the 4<sup>th</sup> respondent stating that as per the interim order of Madurai Bench of this Court in W.A.(MD) No.76 of 2019, etc., batch dated 09.04.2019, G.O.Ms.No.165, dated 17.09.2019 and Government Letter No.32601/EE2(1)/2019 dated 04.12.2019, until deployment of excess staff working under corporate management/other management is made, new appointments cannot be made and the approval of new appointments will not be given.

4.The petitioner has approached this Court questioning the impugned proceedings of the 4<sup>th</sup> respondent dated 27.09.2022, mainly on the ground that the Writ Appeal that was referred by the 4<sup>th</sup> respondent has already been disposed of by the Division Bench of this Court while considering a batch of cases through order dated 31.03.2021 and it was held that G.O.Ms.No.165, dated 17.09.2019, is inoperative. In view of the same, the refusal of the 4<sup>th</sup> respondent to grant approval for the appointment of the Sewing Mistress is unsustainable and the same requires the interference of this Court.

5.Heard Ms.H.Mary Sowmi Rexi, learned counsel appearing on behalf of the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the respondents.



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6. It is not necessary for this Court to go into the merits of the case, since the entire issue is focused on the applicability of G.O.Ms.No.165, dated 17.09.2019. The Division Bench of this Court in W.A.(MD) Nos.76 etc., of 2019 has considered the issue in detail and final orders have been passed on 31.03.2021. A series of directions have been issued by the Division Bench. The Division Bench has declared that the G.O.Ms.No.165, dated 17.09.2019 is declared to be inoperative. In view of the same, the very basis on which the impugned order has been passed by the 4<sup>th</sup> respondent on 27.09.2022, becomes unsustainable.

7. In the light of the above discussion, the impugned proceedings of the 4<sup>th</sup> respondent dated 27.09.2022, is hereby quashed. There shall be a direction to the 4<sup>th</sup> respondent to consider the request made by the petitioner School for approving the appointment of the petitioner in the post of Sewing Mistress. If any Special Leave Petition is pending in this regard, such approval can be granted subject to the result of the Special Leave Petitions before the Apex Court. This exercise shall be completed by the 4<sup>th</sup> respondent, within a period of four weeks from the date of receipt of copy of this order.



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8. Accordingly, this writ petition is allowed with the above directions. No

Costs. Consequently, connected miscellaneous petition is closed.

**08.02.2023**

**(2/2)**

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ssr

To

1. The Secretary,  
Government of Tamil Nadu,  
Department of School Education,  
Fort St. George, Chennai – 600 009.
2. The Director of School Education,  
College Road, Chennai – 600 006.
3. The Chief Educational Officer,  
Chief Educational Office,  
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6

**N. ANAND VENKATESH, J.**

SSR

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(2/2)**