



W.P(MD)No.106 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.11.2022

DELIVERED ON : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.106 of 2020

and

W.M.P(MD)Nos.59 & 60 of 2020

The Secretary,
Thirumurugan High School,
Valliammalpuram,
South Madathoor Post – 627 423,
Tirunelveli District.

... Petitioner

Vs

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
Fort St.George, Chennai.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
- 4.The District Educational Officer,
Cheranmahadevi Educational District,
Cheranmahadevi, Tirunelveli District.

... Respondents



W.P(MD)No.106 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the impugned Government Order under G.O.Ms.No.238, dated 13.11.2018 on the file of the first respondent pertaining to fill up the non-teaching staff vacancy by transfer of such non-teaching staff from and out of the surplus in the other aided private school and to quash the same as illegal as far as the petitioner school in concerned.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner school challenges the validity of G.O.(Ms) No.238, School Education Department, dated 13.11.2018. Vide order dated 07.02.2023 made in W.P.(MD)No.13428 of 2020, I upheld the validity of G.O.(Ms) No. 238, dated 13.11.2018. I had also held that approval of appointments made prior to issuance of G.O.(Ms) No.238, dated 13.11.2018 will be considered on merits and in accordance with law without reference to the said Government Order. Any appointment made after issuance of G.O.(Ms) No.238, dated 13.11.2018 will be subject to the said Government Order.



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3.This writ petition is disposed of on the same lines. No costs.

Consequently, connected miscellaneous petitions are closed.

08.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA/SKM

To

- 1.The Secretary to Government,
Education Department, Fort St.George, Chennai.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
- 4.The District Educational Officer,
Cheranmahadevi Educational District,
Cheranmahadevi, Tirunelveli District.



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G.R.SWAMINATHAN, J.

MGA/SKM

**Pre-delivery Order made in
W.P(MD)No.106 of 2020**

08.02.2023