

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.11.2022

DELIVERED ON : 30.03.2023

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.708 of 2021
and
W.M.P(MD)No.589 of 2021**

J.Kumaravelan, Record clerk,
Mukkulathore Higher Secondary School,
Thiruverumbur, Trichy-620 013.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai-600 006.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Trichy District, Trichy.

5.Mukkulathore Higher Secondary School,
Represented by its Secretary,
Thiruverumbur, Trichy-620 013.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in O.Mu.No.412/A2/2020, dated 02.06.2020 quash the same and direct the respondents 3 and 4 to approve the appointment of petitioner as Record Clerk in the fifth respondent school with effect from 01.06.2018 with all attendant monetary benefits.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
Assisted by
Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner was appointed as Record Clerk in the fifth respondent school which is a minority institution. The school management

sent proposal for approving the petitioner's appointment to the fourth respondent. The proposal was returned. Challenging the same, this writ petition has been filed.

3.Vide order dated 07.02.2023 in W.P.(MD)No.13428 of 2020, I upheld the validity of G.O.(Ms) No.238 dated 13.11.2018. However, the order returning the proposal pertaining to the appointment will have to be interfered with. Since the petitioner was appointed on 01.06.2018 ie., well before the issuance of G.O.(Ms) No.238, dated 13.11.2018. The said Government Order cannot operate retrospectively. The Hon'ble Division Bench vide order dated 06.12.2020 in W.A.(MD)No.1052 of 2020 had taken such a view. I, therefore, set aside the impugned order passed by the fourth respondent. The school management is permitted to re-submit the proposal to the fourth respondent. The respondents 3 and 4 are directed to consider the same without reference to G.O (Ms) No.238, dated 13.11.2018 and appropriate order on merits and in accordance with law will be passed within a period of six weeks after re-submission of the proposal.

4.This writ petition is partly allowed. No costs. Consequently,
connected miscellaneous petition is closed.

30.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
skm

To

- 1.The Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai-600 006.
- 3.The Chief Educational Officer,
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G.R.SWAMINATHAN, J.

skm

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30.03.2023