



W.P(MD)No.1449 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

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

W.P(MD)No.1449 of 2022

and

W.M.P.(MD)Nos.1261, 1263 & 1265 of 2022

Sr.Jasmine Cecilia

... Petitioner

Vs.

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

2.The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
The Office of the CEO, Thanjavur,
Thanjavur-613 001..

4.The District Educational Officer,
The Office of the DEO,
Kumbakonam, Thanjavur District.

5.The Correspondent,
St.Gabriel's Girls Higher Secondary School,
Pasupathikoil, Thanjavur-614 206.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 13.11.2018 in G.O.Ms.No.238, School Education (Pa.Ku.6(1)) Department on the file of the first respondent and the consequential proceedings, dated 06.2021 in O.Mu.No.1015/A4/2021, on the file of the fourth respondent and quash the same directing the respondents to accord approval to the appointment of the petitioner Sr.Jasmine Cecilia working as Junior Assistant in St.Gabriel's Girls Higher Secondary School, Pasupathikoil, Thanjavur District-614 206 w.e.f 03.06.2019 with all monetary and other service benefits.

For Petitioner : Mr.Father Xavier Arulraj
Senior Counsel
for M/s.Father Xavier Associates

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 writ petitioner was appointed in the fifth respondent school as Junior Assistant with effect from 03.06.2019. The fifth respondent school is a minority institution. Citing G.O.(Ms) No.238, School Education Department,



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dated 13.11.2018, approval to the appointment of the petitioner was rejected.

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.

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
SKM

To

- 1.The Principal Secretary,
Department of School Education,
Fort St.George, Madras-600 009.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
- 3.The Chief Educational Officer, The Office of the CEO, Thanjavur,
Thanjavur-613 001..



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4.The District Educational Officer,
The Office of the DEO,
Kumbakonam, Thanjavur District.

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