



W.P(MD)No.3732 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3732 of 2021

and

W.M.P.(MD)Nos.2999, 3003 & 3008 of 2021

The Correspondent,
St.Antony's Higher Secondary School,
Kurusady, Nagercoil-629 004,
Kanyakumari District.

... Petitioner

Vs.

- 1.The State 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,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.
- 4.The District Educational Officer,
Nagercoil,
Kanyakumari District..

... Respondents

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 relating to the impugned Government order issued by the first



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respondent dated 13.11.2018 in G.O.Ms.No.238, School Education (Pa.Ku. 6(1)) Department and the impugned staff fixations settled by the third respondent CEO for the academic years 2018-2019 and 2019-2020 vide proceedings in Mu.Mu.No.12740/E4/2018, dated 05.01.2019 and Mu.Mu.No. 8825/E4/2019, dated ..12.2019, respectively, insofar as they render the single cadre Junior Assistant Post as surplus and the consequential proceedings of the third respondent CEO in Moo.Mu.No.8825/E4/2019, dated 09.06.2020 and Na.Ka.No.7436/A4/2019, dated 03.08.2020 and the consequential proceedings of the fourth respondent DEO in A.Th.Mu.No.6522/A4/2019, dated 23.10.2019 returning the proposal to approve the appointment of Tmt.E.Abila Susan as Junior Assistant w.e.f 26.06.2019, quash the same and further direct the third and fourth respondents to approve forthwith the appointment of Tmt.E.Abila Susan as Junior Assistant in the petitioner school from the date of her appointment viz 26.06.2019 with salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

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 is a minority institution. The petitioner challenges the validity of G.O.(Ms) No.238, School Education Department, dated



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13.11.2018 and the consequential staff fixation made by the Chief Educational Officer. It also sent approval for appointment of Ms.E.Abila Susan as Junior Assistant. It was rejected by the impugned order of the fourth respondent. 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 Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

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



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3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.

4.The District Educational Officer,
Nagercoil, Kanyakumari District..



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G.R.SWAMINATHAN, J.

SKM

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