



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Reserved on : 03.11.2022**

**Pronounced on : 17.03.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.5484 of 2020  
and  
W.M.P.(MD)No.4786 of 2020**

J.Arockiya Arputha Raj

... Petitioner

**Vs.**

- 1.The State of Tamil Nadu,  
Rep. By its Principal 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,  
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,  
Vallioor, Tirunelveli District.
- 5.The Correspondent,  
Holy Redeemer's Higher Secondary School,  
Tisiyanvillai,  
Tirunelveli District.

... 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 relating to the impugned order issued by the first respondent herein in G.O.Ms.No.238, (School Education (Paka6(1) Department) dated 13.11.2018 and the consequential staff fixation issued by the third respondent CEO vide proceedings in Na.Ka.No.61/Aa2/2019 dated 18.02.2019 insofar as rendering one post of waterman cum scavenger as surplus and the consequential proceedings issued by the fourth respondent herein in O.Mu.No. 1534/Aa3/2019, dated 08.2019 (signed on 10.09.2019) quash the same and further direct the third respondent herein to approve forthwith the appointment of the petitioner as waterman in the fifth respondent school from 25.01.2019 onwards with salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

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 writ petitioner was appointed in the fifth respondent school as waterman cum scavenger with effect from 25.01.2019. The fifth respondent school is a minority institution. Citing G.O.(Ms) No.238, School Education



Department, 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. In this case, the appointment was made on 25.01.2019. Since it is subsequent to issuance of the said government order, the order impugned in this writ petition cannot be interfered with. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**17.03.2023**

Index : Yes / No  
Internet : Yes/ No  
SKM/ias  
To

- 1.The Principal 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, Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer, Vallioor, Tirunelveli District.



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**G.R.SWAMINATHAN, J.**

ias/SKM

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