



W.P(MD)No.8167 of 2020

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.8167 of 2020

and

W.M.P.(MD)Nos.16523, 7584, 7587 & 7580 of 2020

P.Laitha

... 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,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Vallioor, Tirunelveli District.
- 5.The Correspondent,
St.Marys Higher Secondary School,
Uvari-627 651, 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 Government orders issued by the first respondent State Government in G.O.Ms.No.238, School Education (Pa.Ka. 6(1)) Department dated 13.11.2018 and the staff fixation settled by the third respondent CEO for the academic year 2018-2019 in Mu.Mu.No.61/Aa/2019, dated ..03.2019 rendering single cadre post of Junior Assistant as surplus and the consequential proceedings of DEO in O.Mu.No.886/Aa2/2019, dated 13.05.2019 denying approval to the appointment of the petitioner as Junior Assistant, quash the same and further direct the respondents 3 & 4 to approve forthwith the promotion of the petitioner as Junior Assistant in the fifth respondent school from the date of her promotion viz., 18.03.2019 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.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was originally appointed as Record Clerk on 01.06.2012. Then she was promoted to the post of Junior Assistant in the fifth



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respondent school with effect from 18.03.2019. The fifth respondent school is a minority institution. Citing G.O.(Ms) No.238, School Education Department, dated 13.11.2018, approval 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 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,
Tirunelveli, Tirunelveli District.

4. The District Educational Officer,
Vallioor, Tirunelveli District.



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G.R.SWAMINATHAN, J.

SKM

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