



W.P(MD)No.8520 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.11.2022
DELIVERED ON : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8520 of 2020

and

W.M.P(MD)Nos.7897 & 7898 of 2020

Thiagarajar Model Higher Secondary School,
Theppakulam-625 009,
Madurai District,
Represented by its Secretary.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Secretariat, Chennai.

2.The Director of School Education,
DPI Compound, College Road,
Chennai.

3.The Chief Educational Officer,
Madurai.

4.The District Educational Officer,
Madurai District.

... 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
relating to the impugned Government order No.238 dated 13.11.2018



W.P(MD)No.8520 of 2020

passed by the first respondent and the impugned staff fixation order in Na.Ka.No.11042/E1/2018 dated 02.01.2019 issued by the third respondent insofar as holding the post of Sweeper as surplus and the consequential impugned order passed by the fourth respondent in Na.Ka.No. 2476/Aa4/2019 dated 01.08.2019 and quash the same as illegal and consequently direct the respondents to grant permission to fill up the post of Sweeper lying vacant in the petitioner School within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

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 is a minority institution. The petitioner challenges the validity of G.O.(Ms)No.238, School Education Department, dated 13.11.2018 and the consequential staff fixation made by the Chief Educational Officer. 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.



W.P(MD)No.8520 of 2020

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. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

- 1.The Principal Secretary,
The State of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai.



WEB COPY



W.P(MD)No.8520 of 2020

G.R.SWAMINATHAN, J.

Btr

- 3.The Chief Educational Officer,
Madurai.
- 4.The District Educational Officer,
Madurai District.

Pre-delivery Order made in
W.P(MD)No.8520 of 2020

08.02.2023