



W.P(MD)No.9041 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.9041 of 2020

and

W.M.P(MD)Nos.8265 & 11567 of 2020

The Correspondent, Holy Cross Girls Higher
Secondary School, Thoothukudi,
Thoothukudi District-628 002.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented 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,
Thoothukudi, Thoothukudi District.
- 4.The District Educational Officer,
Thoothukudi, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records relating to the
impugned Government Orders issued by the first respondent State



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Government in G.O.MS.No.238, School Education (Pa.Ka.6(1) Department dated 13.11.2018 and the consequential staff fixation settled by the third respondent CEO for the academic year 2019-2020 in Na Mu.Mu.No. 7091/Aa4/2019 dated 15/11/2019, in so far as rendering single cadre post of Scavenger as surplus and restraining the school from filling up the post of Waterman, when it become vacant is concerned, quash the same and pass such further or other suitable Order / Orders as this Court.

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 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. I had also held that approval of appointments made prior to issuance of G.O.



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(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

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr/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.
- 3.The Chief Educational Officer, Thoothukudi, Thoothukudi District.
- 4.The District Educational Officer,
Thoothukudi, Thoothukudi District.



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G.R.SWAMINATHAN, J.

Btr/SKM

Pre-delivery Order made in
W.P(MD)No.9041 of 2020

08.02.2023