



W.P(MD)No.9090 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.9090 of 2020

and

W.M.P(MD)Nos.8322, 8324, 8326 & 11560 of 2020

The Correspondent,  
Holy Cross Anglo-Indian 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 Inspector of Anglo-Indian Schools,  
College Road, Chennai-600 006.
- 4.The Chief Educational Officer,  
Thoothukudi, Thoothukudi District.
- 5.The District Educational Officer,  
Thoothukudi, Thoothukudi District.

... Respondents



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**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 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, the staff fixation settled by the fourth respondent CEO for the academic year 2018-2019 vide proceedings in Mu.Mu.No.6842/Aa4/2018 dated 28.08.2019, in so far it renders one post of Junior Assistant as surplus and the consequential proceedings of the fifth respondent DEO in O.Mu.No.197/Aa2/2020 dated 10.02.2020 denying approval to the appointment of Sister B.Anbarasi as Junior Assistant, quash the same and further direct the fourth and fifth respondents to approve forthwith the appointment of Sister B.Anbarasi as Junior Assistant in the petitioner school from the date of her appointment viz., 04.11.2019, 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.J.Ashok  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.



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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. 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



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To

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

Btr

Pre-delivery Order made in  
**W.P(MD)No.9090 of 2020**

**08.02.2023**