



W.P(MD)No.9608 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9608 of 2020

and

W.M.P.(MD)Nos.8652, 8654 and 8656 of 2020

The Correspondent,
St.Mary's Girls Higher Secondary School,
Devakottai – 630 302,
Sivagangai District.

... 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,
Sivagangai, Sivagangai District.

4.The District Educational Officer,
Devakottai, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent DEO



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in O.Mu.No.3773/A2/2019 dated -06.2019 denying approval to the appointment of P.Jeyasri as Librarian and the subsequent impugned staff fixation issued by the 3rd respondent CEO for the year 2019-2020 in Na.Ka.No.7289/a2/2019 dated --.12.2019 in so far as rendering single post of Librarian as surplus is concerned, quash the same and further direct the 3rd respondent Chief Educational Officer herein to approve forthwith the appointment of P.Jeyasri as Librarian in the petitioner school w.e.f., 03.06.2019 with salary and all attendant benefits from the said date.

(Prayer was amended vide order dated 03.11.2022)

For Petitioner : Ms.A.Amala

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
Assisted by Mr.S.Shaji Bino,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The incumbent Librarian Ms.A.Thaines Mary retired on 30.04.2019. In the resulting vacancy, the petitioner school appointed Ms.P.Jeyasri as Librarian with effect from 03.06.2019. It is not in dispute that the appointee is eligible to hold the post. When the proposal was submitted by the management, it was rejected by the impugned proceedings dated 21.06.2019. Challenging the same, this writ petition came to be filed.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for. The respondents have filed counter affidavit and the learned Special Government Pleader took me through its contents and submitted that the impugned order does not call for any interference. He pressed for dismissal of this writ petition.

4.I carefully considered the rival contentions and went through the materials on record. The petitioner originally challenged the validity of G.O Ms No.64, School Education Department dated 03.04.2018 and the consequential proceedings rejecting approval. Subsequently, the prayer was amended. Challenge to the G.O was given up. I therefore have to proceed in the matter in the light of G.O Ms.No.64, School Education Department, dated 03.04.2018. G.O Ms.No.64 clearly states that as and when the incumbent in the post of Librarian retires or gets promoted resulting in vacancy, the post itself will lapse and that it has to be surrendered. It is not open to the management to appoint a fresh candidate. It is relevant to note here that Ms.P.Jayasri was appointed subsequent to the issuance of G.O. The impugned order is in consonance with the aforesaid G.O. This Court can interfere only if the order impugned in the writ petition is shown to be illegal. It is not so. The



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authority has merely applied the government order. No case for interference has been made out.

5.The writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

08.02.2023

NCC : Yes/No
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.
- 3.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 4.The District Educational Officer,
Devakottai, Sivagangai District.



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G.R.SWAMINATHAN, J.

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