



W.P(MD)No.11084 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11084 of 2020

Little Flower Higher Secondary School,
Kumbakonam,
Thanjavur District-612 001,
Rep. by its Correspondent.

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai.

2.The Chief Educational Officer,
Thanjavur, Thanjavur District.

3.The District Educational Officer,
Kumbakonam, Thanjavur District.

... Respondents

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 proceedings in O.Mu.No. 4116/A4/2019, dated ..12.2019 issued by the third respondent as illegal and quash the same and consequently, direct to re-consider the proposal dated 16.09.2019 submitted by the petitioner school within a time limit fixed by this Court.



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For Petitioner : Mr.V.R.Shanmuganathan
for Mr.AL.Kannan

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is an aided minority recognized private school. It is coming under the corporate management of Roman Catholic Diocese of Kumbakonam. It was established way back in the year 1927. It is having more than two thousand students.

3. The specific case of the petitioner is that their library has more than eleven thousand books and that there is a need for librarian post. The petitioner school has two sanctioned posts of Wood Work Craft Instructor and that they are willing to surrender one post. In the alternative, they plead for conversion of that post to that of librarian. When the petitioner made a request, it was negatived by the third respondent by citing G.O.Ms.No.238, School Education Department, dated 13.11.2018.

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4. After hearing the arguments of the learned Additional Government Pleader, I am not in a position to direct conversion of the post of wood work craft instructor to that of librarian. However, the case of the petitioner could not have been negated by citing G.O.Ms.No.238, dated 13.11.2018. This is for more than one reason. The post of librarian cannot strictly be treated as non-teaching post. G.O.Ms.No.238, dated 13.11.2018 cataloged list of non-teaching posts. While the post of library assistant is mentioned therein, the post of librarian is not referred to. Since the impugned order has been passed by invoking G.O.Ms.No.238, dated 13.11.2018, I am inclined to set it aside. It is accordingly set aside.

5. Considering the special facts and circumstances in this case, the matter is remitted not to the file of the third respondent but to the file of the first respondent. The first respondent may take note of the special facts and circumstances obtaining in this case. The first respondent may also seek guidance from the Government. After comprehensive appreciation of the factual situation, the first respondent shall pass an order on the petitioner's request. Since I am calling upon the first



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respondent to pass an order and that too after getting guidance from the Government, I am not imposing any outer time limit. I am passing such an order only by taking into account the fact that the petitioner school is having more than eleven thousand books and that the institution is almost century old. The order impugned in the writ petition is set aside. The Writ Petition is disposed of accordingly. No costs.

16.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai.
- 2.The Chief Educational Officer,
Thanjavur, Thanjavur District.
- 3.The District Educational Officer,
Kumbakonam, Thanjavur District.



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G.R.SWAMINATHAN, J.

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