



W.P.(MD).No.10298 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10298 of 2023
and
W.M.P.(MD) Nos.9150 and 9152 of 2023

S.Leema

... 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,
The Office of the Chief Educational Officer,
S.L.B. South Road,
Nagercoil,
Kanyakumari District – 629 001.
4. The District Educational Officer,
The Office of the DEO,
S.L.B. South Road,
Nagercoil,
Kanyakumari District – 629 001.



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5. The Correspondent,
Little Flower Girls Higher Secondary School,
Ramanputhur,
Nagercoil – 629 004,
Kanyakumari 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 third respondent CEO in O.Mu.No.3538/E4/2020, dated 27.05.2022 and the consequential proceedings by the fourth respondent DEO in O.Mu.No. 7482/A3/2019, dated 18.07.2022, quash the same and further direct the third respondent Chief Educational Officer to approve forthwith the appointment of the petitioner as Record Clerk in the fifth respondent School, w.e.f. 12.06.2019 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner	: Ms.S.Amala Irudhaya Mary
For Respondents	: Mr.D.Saidq Raja Additional Government Pleader for R1 to R4 : Mr.A.Santhanam – for R5

ORDER

The present writ petition has been filed by a Record Clerk appointed in the fifth respondent School challenging the rejection of her approval of appointment.

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2. According to the learned counsel appearing for the writ petitioner, she was appointed as Record Clerk in the fifth respondent School on 13.06.2019. As per the staff fixation order for the academic year 2019 – 2020, they are eligible to appoint one Record Clerk. There are no surplus Record Clerks in the Corporate Management, which is managing the fifth respondent School. However, the impugned order has been passed rejecting the approval order on the ground that there are surplus Record Clerks in the other Aided Schools in the District.

3. A perusal of the impugned order clearly points out that there are no surplus Record Clerks in the Corporate Management and it only cites the surplus Record Clerks in the other Aided Schools of the District. As far as the appointment of teaching or non-teaching staff is concerned, the Corporate Management alone should be considered as a Unit and Educational Authorities cannot refer the surplus non-teaching or teaching staff available in the other Aided School which are not falling within the Corporation Management of the appointing School.



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4. In view of the above said deliberations, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the third respondent herein and he is directed to pass the orders in the light of the staff fixation order dated 28.12.2022 and G.O.(Ms) No.238, School Education Department, dated 13.11.2018 within a period of six weeks from the date of receipt of a copy of this order.

5. with the above said observations, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2023

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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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.



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3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
S.L.B. South Road,
Nagercoil,
Kanyakumari District – 629 001.
4. The District Educational Officer,
The Office of the DEO,
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Nagercoil,
Kanyakumari District – 629 001.



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R.VIJAYAKUMAR,J.

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