



W.P(MD)No.10771 of 2019

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.10771 of 2019

and

W.M.P(MD)Nos.8217 & 8218 of 2019

The Correspondent & Headmistress,
Little Flower Girls' Higher Secondary School,
Ramanputhur,
Nagercoil – 629 004,
Kanyakumari District.

... Petitioner

Vs

- 1.The State represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Chief Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.
- 4.The District Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.

... Respondents



W.P(MD)No.10771 of 2019

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the fourth respondent District Educational Officer in O.Mu.No.2749/Aa2/2018 dated 04.06.2018, refusing approval to the appointment of Tmt.D.Annal Maloon Mary as Water Woman, Quash the same and further direct the fourth respondent District Educational Officer to approve forthwith the appointment of Tmt.D.Annal Maloon Mary as water woman in the petitioner school and disburse the grant-in-aid towards the salary with all attendant benefits w.e.f the date of the petitioner's appointment i.e., on 01.08.2017.

For Petitioner : Mrs.S.Amala Irudhaya Mary

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is an aided minority institution. One post of Water Woman in the petitioner school fell vacant on 01.08.2017 following the retirement of the incumbent S.Joy Roselet on 31.07.2017. In her place, one D.Annall Maloon Mary was appointed with effect from 01.08.2017. Proposal was submitted for approving her appointment. It was rejected by the impugned proceedings dated 04.06.2018. Questioning the same, this writ petition came to be filed.



W.P(MD)No.10771 of 2019

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 learned Special Government Pleader submitted that the impugned order was passed by virtue of G.O Ms.No.64 dated 03.04.2018. He 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. G.O Ms.No.64 dated 03.04.2018 clearly states that as and when the incumbent in the post of Water Woman retires or gets promoted resulting in vacancy, the post itself will lapse and that it has to be surrendered. But Ms.Annal Maloon Mary was appointed prior to the passing of the said G.O. The order impugned in this writ petition has to be set aside for the simple reason that the petitioner's appointment was on 01.08.2017. G.O Ms.No.64 School Education Department dated 03.04.2018 was issued only subsequently. Therefore, the petitioner's case could not have been negated by citing the said G.O. The order rejecting the petitioner's proposal suffers from clear non-application of mind. It is set aside. No other reason has been cited. The petitioner school management is directed to re-submit the proposal to the fourth



W.P(MD)No.10771 of 2019

respondent and the fourth respondent shall approve the appointment of Ms.D.Annal Maloon Mary as Water Woman and release salary grant if there is no other impediment. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of copy of this order.

5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2023

Index : Yes / No
Internet : Yes / No
NCC : 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.
- 3.The Chief Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.
- 4.The District Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.



WEB COPY



W.P(MD)No.10771 of 2019

G.R.SWAMINATHAN, J.

SKM

**Pre-delivery Order made in
W.P(MD)No.10771 of 2019**

08.02.2023