



W.P(MD)No.11895 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 06.12.2022

Pronounced on : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11895 of 2019

and

W.M.P.(MD)Nos.8988 and 8989 of 2019

The Correspondent,
St.Joseph's Girls Higher Secondary School,
Madurai – 625 009, Madurai 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,
Madurai, Madurai District.

4.The District Educational Officer,
Madurai, Madurai 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 Government Order issued by the 1st respondent State Government in G.O.Ms.No.238, School Education



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(Pa.Ka.6(1) Department dated 13.11.2018 and the consequential staff fixation settled by the 3rd respondent CEO for the academic year 2018-2019 in Na.Ka.No.11042/E1/2018 dated 02.01.2019 (received on 27.04.2019), in so far as rendering 1 Junior Assistant, 1 Office Assistant and 1 Record clerk as surplus is concerned, quash the same.

For Petitioner : Ms.A.Amala

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

ORDER

Heard the learned counsel on either side.

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.



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3.This writ petition is disposed of on the same lines. No costs.

Consequently, connected miscellaneous petitions are closed.

08.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

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,
Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
Thuckalay, Kanyakumari District.



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G.R.SWAMINATHAN, J.

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