



W.P(MD)No.11896 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 06.12.2022

Pronounced on : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11896 of 2019

and

W.M.P.(MD)Nos.8991 and 21442 of 2019

The Manager / Correspondent,
Dr.Samuel Higher Secondary School,
Santhapuram,
Kanyakumari District – 629 201.

... 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,
Nagercoil, Kanyakumari District.

4.The District Educational Officer,
Thuckalay, 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 Government Order issued by the



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1st respondent State Government in G.O.Ms.No.238, School Education (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 Mu.Mu.No.12249/a6/2018 dated 05.01.2019 (received on 19.04.2019), in so far as rendering one Vocational Instructor, 1 BT Assistant Maths, 1 Secondary Grade Teacher, 2 Physical Education Teacher, 1 Drawing Teacher, 1 Junior Assistant, 1 Record Clerk, one Gardener and one part-time Scavenger as surplus is concerned, quash the same.

For Petitioner : Ms.A.Amala

For Respondents : Mr.M.Ramesh,
Government Advocate.

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



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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.

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,
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G.R.SWAMINATHAN, J.

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07.02.2023