



W.P(MD)No.12047 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.12047 of 2019

and

W.M.P(MD)No.9069 of 2019

The Corporate Manager,
C.S.I. Corporate Schools,
71-a, Dennis Street,
Nagercoil-629001,
Kanyakumari District.

... Petitioner

Vs.

1.The State of Tamilnadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.

2.The Director of School Education,
College Road,
Chennai – 600 009.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned Government Orders issued by the 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. 149/E4/2019 dated 08.01.2019 in so far as rendering one post of Junior Assistant, one post Office Assistant, one post of Record Clerk as surplus and restraining the filling up of vacancies falling in the posts of scavenger cum sweeper, waterman, scavenger and library assistant, when it become vacant is concerned, quash the same.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
Assisted by
Mr.S.Shaji Bino
Special 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



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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.

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

Consequently, connected miscellaneous petition is closed.

08.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Btr/SKM



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WEB COPY

To

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



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G.R.SWAMINATHAN, J.

Btr/SKM

Pre-delivery Order made in
W.P(MD)No.12047 of 2019

08.02.2023