



W.P(MD)No.12959 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.12959 of 2019

and

W.M.P(MD)Nos.9652, 9653 of 2019
& 15738 of 2020

Bala Vinayagar High School,
Represented by its Secretary,
S.Vallimayil

... Petitioner

Vs

- 1.The Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound, College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Sankarankovil,
Tirunelveli District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned Government orders issued by the first respondent State Government in G.O.Ms.No.238, School Education (Pa.Ka.6(1)) Department dated 13.11.2018 and consequential staff fixation settled by the third respondent CEO for the academic year 2018-2019 in Na.Ka.No.12428/E1/2018 dated 02.04.2019 insofar as rendering one post of Record Clerk, one post Librarian, One Post of Sweeper and one Scavenger as surplus is concerned, quash the same.

For Petitioner : Mr.S.Chellapandian

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 non-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



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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 petitions are closed.

08.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
SKM

To

- 1.The Secretary to the Government,
Department of School Education, St.George Fort, Chennai.
- 2.The Director of School Education, DPI Compound, College Road, Chennai.
- 3.The Chief Educational Officer, Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer, Sankarankovil, Tirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

**Pre-delivery Order made in
W.P(MD)No.12959 of 2019**

08.02.2023