



W.P(MD)No.13195 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13195 of 2020

and

W.M.P.(MD)Nos.11053 & 11054 of 2020

The Correspondent,
St.Mary's Higher Secondary School,
Melpalai-629 152,
Kanyakumari 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,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District..

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned Government order issued by the first respondent State



W.P(MD)No.13195 of 2020

Government in G.O.Ms.No.238, School Education (Pa.Ka.6(1)) Department dated 13.11.2018 and the staff fixation settled by the third respondent CEO for the academic year 2018-2019 in Mu.Mu.No.12420/E2/2018 dated 26.12.2018 and the consequential proceedings in O.Mu.No.003338/E2/2019 dated 31.05.2019 insofar as rendering one posts of Junior Assistant and Scavenger cum Waterman as surplus, quash the same.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.J.Ashok
Additional 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



W.P(MD)No.13195 of 2020

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
rmi

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,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.
- 4.The District Educational Officer,
Thiruvattar, Kanyakumari District..



WEB COPY



W.P(MD)No.13195 of 2020

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.13195 of 2020

08.02.2023