



W.P(MD)No.13267 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13267 of 2020

and

W.M.P.(MD)Nos.11090 and 11092 of 2020

and

W.M.P.(MD)No.3530 of 2021

The Manager / Correspondent,
V.K.P. Higher Secondary School,
Colachel, 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,
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 Certiorari, calling for the records relating



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to the impugned Government Order issued by the 1st respondent State Government in GO Ms.No.238, School Education (Pa.Ka.6(1) Department dated 13.11.2018 and the consequential impugned staff Fixation issued by the 3rd respondent CEO for the Academic Year 2019-2020 in Mu.Mu.No.8775/a6/2019 dated 19.12.2019 and the subsequent impugned order in Mu.Mu.No.2545/a6/2019 dt --.07.2020 in so far as rendering one post of PG Assistant Tamil, One post of PG Assistant English one post of Tamil Pandit, One post of BT Assistant Maths, 2 post of BT Assistant Science, 1 post of BT Assistant Social Science, 4 posts of Secondary Grade Teaches, one post of Physical Education Teacher, one post of Sewing Teacher that apart in non-teaching post one post of Junior Assistant, one Record Clerk and post of Office Assistant, one post of Waterman and one post of Gardener as surplus and 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.



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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.

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



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To:

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Department of School Education,
Fort St. George, Chennai – 600 009.
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College Road, Chennai – 600 006.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
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G.R.SWAMINATHAN, J.

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