



W.P(MD)No.13348 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.13348 of 2020

and

W.M.P.(MD)Nos.11137 & 11138 of 2020

St.Theresa's Girls Higher Secondary School
rep. by the Correspondent,
Vadakkankulam-627 116
Tirunelveli District.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by the Secretary,
Department of School Education,
Fort St.George, Madras-600 009.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Collector Office Campus, Kokkirakulam
Tirunelveli District – 627 009.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Vallioor-627 117, Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 13.11.2018 in G.O.Ms.No.238, School Education (Pa.Ku.6(1) Department) on the file of the first respondent and the consequential impugned staff fixation of the year 2019-2020, dated 02.09.2020 in Na.Ka.No.302/AA3/2020 on the file of the third respondent holding the three non-teaching posts as surplus and quash the same directing the respondents to hold that the three non-teaching posts are not surplus in the petitioner school.

For Petitioner : Mr.Father Xavier Arulraj
for Mr.V.John Kennedy

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 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



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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
rmi/SKM
To

- 1.The Secretary, Department of School Education,
Fort St.George, Madras-600 009.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Kokkirakulam, Tirunelveli District-627009.
- 4.The District Educational Officer,
Vallioor-627 117, Tirunelveli District.



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G.R.SWAMINATHAN, J.

rmi/SKM

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