



W.P(MD)No.13463 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.13463 of 2020

and

W.M.P.(MD)Nos.11230 & 11232 of 2020

St.Aloysius Higher Secondary School,
Rep. by the Correspondent,
Kallikulam-627 113,
Tirunelveli District.

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Principal 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,
Collector Office Campus,
Kokkirakulam, Tirunelveli District-627 009.

4.The District Educational Officer,
Govt. Hr.Sec.School Campus, Vallioor-627 117,
Tirunelveli District.

... Respondents

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,



W.P.(MD)No.13463 of 2020

School Education (Pa.Ka.6(1) Department) on the file of the first respondent and the consequential impugned staff fixation for the year 2019-2020 dated 29.07.2020 in Na.Ka.No.302/AA3/2020 on the file of the third respondent holding one non-teaching post as surplus and quash the same directing the respondents to hold that one non-teaching post is not surplus in the petitioner school.

For Petitioner : Mr.Father Xavier Arulraj, Senior Counsel
for M/s.V.John Kennedy

For Respondents : Mr.R.Baskaran, Additional Advocate General
assisted by Mr.N.Satheesh Kumar
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.13463 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
SKM

To

- 1.The Principal 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,
Govt. Hr.Sec.School Campus, Vallioor-627 117,
Tirunelveli District.



WEB COPY



W.P(MD)No.13463 of 2020

G.R.SWAMINATHAN, J.

SKM

W.P(MD)No.13463 of 2020

08.02.2023