



W.P(MD)No.20046 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 03.11.2022

Pronounced on : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20046 of 2019

and

W.M.P.(MD)Nos.16563 and 16567 of 2019

Mary Sargent Girls Higher Secondary School,
Rep. by its Correspondent,
C.John Stephen, Palayamkottai,
Tirunelveli District.

... Petitioner

Vs.

1.The Secretary to the Government,
Government of Tamilnadu,
School Education (C2) Department,
Fort St.George, Chennai.

2.The Director of School Education,
DPI Compound, College Road,
Nungampakkam, Chennai.

3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

4.The District Educational Officer,
Tirunelveli District, Tirunelveli.

... 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



W.P(MD)No.20046 of 2019

to the impugned Government Orders issued by the 1st 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 3rd respondent CEO for the academic year 2018-2019 in Na.ka.No.9937/Aa1/2018 dated --02/2019 in so far as rendering one BT Assistant and Office Assistant, Gardener cum Sweeper & Watchmen (3 Non Teaching Post & Teaching Post) posts as surplus in concern, quash the same.

For Petitioner : Mr.S.Cehllapandian

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.

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



W.P(MD)No.20046 of 2019

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.

07.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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W.P(MD)No.20046 of 2019

G.R.SWAMINATHAN, J.

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W.P(MD)No.20046 of 2019

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