



W.P(MD)No.15516 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.11.2022
DELIVERED ON : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15516 of 2020
and
W.M.P(MD)Nos.13025 & 13027 of 2020

The Correspondent,
Holy Angel Higher Secondary School,
2-A, Kanagavel Colony,
Near Manianagaram,
Madurai-625 001,
Madurai District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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,
Madurai, Madurai District.

4.The District Educational Officer,
Madurai, Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Government Order issued by the first respondent State Government in G.O.Ms.No.238, School Education (Pa.Ka.6(1) Department dated 13.11.2018 and the consequential proceedings issued by the fourth respondent DEO in Oo.Mu.No.689/A5/2020 dated 06.10.2020, quash the same, and further direct the respondents herein to approve forthwith the appointment of Ms.M.Karthikiga as Office Assistant in the petitioner school and disburse grant-in-aid towards her salary and other attendant benefits w.e.f. the date of her appointment i.e.04.10.2018.

For Petitioner : Mr.T.Cibi Chakraborty

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 petitioner school is a minority institution. It sent proposal for approving the appointment of Ms.Karthiga, Office Assistant to the fourth respondent. Citing G.O.(Ms) No.238, School Education Department, dated



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13.11.2018, the proposal was returned. Questioning the said Government Order as well as the consequential proceedings, the present writ petition has been filed.

3.Vide order dated 07.02.2023 in W.P.(MD)No.13428 of 2020, I upheld the validity of G.O.(Ms) No.238, dated 13.11.2018. However, the order returning the proposal pertaining to the appointment will have to be interfered with. The petitioner was appointed on 02.01.2018 ie., well before the issuance of G.O.(Ms) No.238, dated 13.11.2018. The said Government Order cannot operate retrospectively. The Hon'ble Division Bench vide order dated 06.12.2020 in W.A.(MD)No.1052 of 2020 had taken such a view. I, therefore, set aside the order passed by the fourth respondent. The school management is permitted to resubmit the proposal pertaining to the appointment of Ms.Karthiga, Office Assistant to the fourth respondent. The respondents 3 and 4 are directed to consider the same without reference to G.O.(Ms) No.238, dated 13.11.2018 and appropriate order on merits and in accordance with law will be passed within a period of six weeks after re-submission of the proposal.



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4.This writ petition is partly allowed. No costs. Consequently,
connected miscellaneous petitions are closed.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

- 1.The Secretary,
The State of Tamil Nadu,
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,
Madurai, Madurai District.
- 4.The District Educational Officer,
Madurai, Madurai District.



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G.R.SWAMINATHAN, J.

Btr

Pre-delivery Order made in
W.P(MD)No.15516 of 2020

08.02.2023