



W.P(MD)No.15426 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15426 of 2020

and

W.M.P.(MD)No.12965 of 2020

K.Christy Jenifer

Vs.

... Petitioner

- 1.The State of Tamil Nadu,
Through its Secretary to Government,
School Education Department,
Fort St.George,
Chennai-9.
- 2.The Director of School Campus,
DPI Campus,
Chennai-6.
- 3.The Chief District Educational Officer,
Thoothukudi,
Thoothukudi District.
- 4.The District Educational Officer,
Tiruchendur,
Thoothukudi District.
- 5.The Correspondent,
Margoschis Higher Secondary School,
Nazareth,
Thoothukudi 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 order passed by the fourth respondent in his proceedings in Na.Ka.No.5317/A3/2019, dated 23.09.2020 and quash the same and consequent direction may be issued to the respondents to approve the petitioner's promotion as Lab Assistant in 5th respondent school and to disburse service and monetary benefits within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R4

: no appearance for R5

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. The petitioner herein was working as Office Assistant in the 5th respondent School. It is an aided minority institution. Vacancy arose in the post of Lab Assistant following retirement of one Catherine on 30.06.2018. In the said vacancy, the petitioner was appointed by way of promotion on 01.11.2018. The management submitted proposal to the competent authority for approving the said appointment. By the impugned proceedings, the approval was denied. The said order is put to challenge in this writ petition.



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3. I went through the contents of the impugned order. It is referring to G.O.Ms.No.238, School Education Department, dated 13.11.2018. Though validity of the said G.O has been upheld by me, the petitioner's appointment was made prior to the issuance of the said G.O. Therefore, the proposal for approving the petitioner's appointment cannot be rejected by citing the said G.O which was issued subsequently. Reference to G.O.No.101, dated 18.05.2018 is also misplaced and not necessary. That relates only to administrative restructuring.

4. In this view of the matter, the order impugned in the writ petition is set aside. The matter is remitted to the file of the District Educational Officer / fourth respondent. The fifth respondent shall forthwith re-present the proposal to the fourth respondent and the fourth respondent shall pass an order in accordance with law within a period of three weeks thereafter.

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

- 1.The Secretary to Government,
School Education Department,
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Chennai-9.
- 2.The Director of School Campus,
DPI Campus,
Chennai-6.
- 3.The Chief District Educational Officer,
Thoothukudi,
Thoothukudi District.
- 4.The District Educational Officer,
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