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W.P.(MD)NO.17483 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.17483 of 2020 and
W.M.P.(MD)No.14628 of 2020

Sacred Heart Higher Secondary School,
Rep. by the Correspondent,
Kavalkinaru – 627 105,
Tirunelveli District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Collector Office Campus,
Kokkirakulam,
Tirunelveli District – 627 009.
4. The District Educational Officer,
O/o.The District Educational Officer,
Government Higher Secondary School Campus,
Vallioor – 627 117,
Tirunelveli District.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling 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 1st respondent and the consequential impugned staff fixation for the year 2019-2020 dated 02.09.2020 in Na.Ka.No.302/AA3/2020 on the file of the 3rd respondent holding the one non teaching posts as surplus and quash the same directing the respondents to hold that the 1 non teaching posts are not surplus in the petitioner school.

For Petitioner : Mr.Father Xavier Arulraj,
Senior counsel,
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 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 petition is closed.

08.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

**To:**

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
O/o.The Chief Educational Officer,
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G.R.SWAMINATHAN,J.

PMU

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07.02.2023