



1

W.P.(MD)NO.18233 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.18233 of 2020 and
W.M.P.(MD)Nos.15228 of 2020 & 3503 of 2021

St.Ephreme Higher Secondary School,
Rep. By the Correspondent,
Sooriacode – 629 153,
Kanyakumari 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,
Nagercoil,
Kanyakumari District.

4. The District Educational Officer,
O/o.The District Educational Officer,
Kuzhithurai,
Kanyakumari 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 GO 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 13.12.2019 in Mu.Mu. No.8595/E2/2019 on the file of the 3rd respondent holding the two non-teaching posts as surplus and quash the same, directing the respondents to hold that the two non-teaching posts of Junior Assistant and Record Clerk 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.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 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

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



WEB COPY



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,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
O/o.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.



WEB COPY



5

W.P.(MD)NO.18233 OF 2020

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.18233 of 2020

07.02.2023