



W.P(MD)No.17883 of 2021

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.17883 of 2021

and

W.M.P.(MD)Nos.14749 & 14751 of 2021

P.Saravanan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
School Education Department,
Secretariat, Chennai.

2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
D.P.I.Complex, Chennai.

3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thanjavur, Thanjavur District.

4.The District Educational Officer,
O/o the District Educational Office,
Thanjavur, Thanjavur District.

5.The Secretary, Oriental Higher Secondary School,
West Main Street,
Thanjavur 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 relating to the impugned proceedings issued by the fourth respondent vide his proceedings ஓ.மு.எ.ண்.603/அ4/2019 dated 29.09.2019 and consequential impugned order passed by the third respondent in his proceedings ஓ.மு.எ.ண்.8243/அ2/2019 dated nil.04.2021 and quash the same as illegal and consequentially to direct the third respondent to approve the petitioner's appointment as watchman w.e.f 24.01.2019 and pay arrears of salary with all other consequential benefits arising thereon within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar

for M/s.Ajmal Associates

For Respondents : Mr.R.Baskaran

Additional Advocate General

assisted by Mr.J.Ashok

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was appointed in the fifth respondent school as Watchman with effect from 24.01.2019. The fifth respondent school is a minority institution. Citing G.O.(Ms) No.238, School Education Department, dated 13.11.2018, approval to the appointment of the petitioner was rejected.

Vide order dated 07.02.2023 made in W.P.(MD)No.13428 of 2020, I upheld the



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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

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Secretary, School Education Department,
Secretariat, Chennai.
- 2.The Commissioner of School Education,
D.P.I.Complex, Chennai.
- 3.The Chief Educational Officer,
Thanjavur, Thanjavur District.
- 4.The District Educational Officer,
Thanjavur, Thanjavur District.

G.R.SWAMINATHAN, J.



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