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W.P.(MD)NO.19172 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.19172 of 2020 and**  
**W.M.P.(MD)Nos.16035 of 2020 & 9272 of 2021**

Diraviam Girls Higher Secondary School,  
Rep. By the Correspondent,  
Kamalapuram Mettur Gate(Po),  
Dindigul – 624 206.

... 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,  
Palani Road,  
Dindigul – 624 001.

4. The District Educational Officer,  
O/o.The District Educational Officer,  
Government Higher Secondary School Campus,  
Batlagundu,  
Dindigul District – 624 202.

... 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 1<sup>st</sup> respondent and the consequential impugned staff fixation for the year 2019-2020 by proceedings, dated 24.1.2020 in Na.Ka. No.10092/E1/EE1/2019 on the file of the 3<sup>rd</sup> respondent, holding the Sweeper post as surplus and quash the same, directing the respondents to hold that the Sweeper post is 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 petitions are closed.

**08.02.2023**

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



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**To:**

1. The Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai – 600 009.
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College Road,  
Chennai – 600 006.
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**G.R.SWAMINATHAN,J.**

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