



W.A.(MD)No.1436 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1436 of 2014

and

M.P.(MD)No.1 of 2014

- 1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Fort St.George,
Chennai-9.
 - 2.The Accountant General (A & E),
Chennai.
 - 3.The Director,
Directorate of Elementary Education,
College Road,
Chennai-6.
 - 4.The Additional Assistant Elementary Education Officer,
Radhapuram,
Tirunelveli District.
- ...Appellants

/Vs./



W.A.(MD)No.1436 of 2014

WEB COPY

1.S.Manimuthu Samuel

2.The Manager,
TDTA Primary /Middle Schools,
CSI Tirunelveli Diocese,
Palayamkottai,
Tiruenelveli District.

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the order dated 22.08.2014 in W.P.(MD)No.11190 of 2009.

For Appellant	: Mr.V.Om Prakash Government Advocate
For R1	: Mr.T.A.Ebenezer
For R2	: No Appearance

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The State is the appellant in this writ appeal and challenges an order passed by the Writ Court on 22.08.2014. The writ petition had been filed challenging an order passed by the Additional Assistant



W.A.(MD)No.1436 of 2014

Elementary Educational Officer, Tirunelveli District on 10.09.2009.

Inter alia, a consequential direction was sought to the fourth respondent in the writ petition to forward a proposal to the Accountant General (A&E) seeking pay over of the eligible retirement benefits.

2. The issue is related to applicability of G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008 to the writ petitioner. The writ petitioner was working as Headmaster of a school under Corporate Management in Tirunelveli District and had superannuated on 31.10.2006. The writ petition had been allowed following a decision of the Writ Court in WP(MD)No.23975 to 23980 of 2012 dated 04.09.2012.

3. It is brought to our notice that that order had been reversed by a Division Bench in W.A.(MD)No.74 of 2014 holding that G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008 would be inapplicable to any school barring Panchayat Union Schools.



W.A.(MD)No.1436 of 2014

WEB COPY

4. Infact, there is a categoric observation of the Division Bench at paragraphs 2 and 6 to the effect that G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008 is not applicable to Government Aided Minority Schools.

5. That order had attained finality and hence, the prayer of the writ petitioner ought not to have been allowed. In light of the same, the order of the writ Court is reversed and this Writ Appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [R.V.J.]
19.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
sm



WEB COPY



W.A.(MD)No.1436 of 2014

DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

sm

Order made in
W.A.(MD)No.1436 of 2014

Dated:
19.09.2023