



W.P(MD)No.20140 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.20140 of 2021

and

W.M.P.(MD)Nos.16848 & 16849 of 2021

St.Theresa's Girls Higher Secondary School
represented by its Correspondent,
Karur-639 004.

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by the Secretary,
Department of School Education,
Fort St.George, Madras-600 009.

2.The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Karur District.

4.The District Educational Officer,
The Office of the District Educational Officer,
Karur District.

... Respondents



W.P(MD)No.20140 of 2021

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 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 first respondent and the consequential staff fixation of the year 2018-2019, dated .11.2018 in Na.Ka.No.10908/AA4/2018-5, on the file of the third respondent and quash the same directing the respondents not to prohibit the posts of one Junior Assistant, Library Clerk, Waterman and Gardener cum Sweeper to fill up and not to compel the petitioner to surrender the above said posts to the Government when they fall vacant in the petitioner school.

For Petitioner : Mr.Father Xavier Arulraj
Senior Counsel
for M/s.Father Xavier 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 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



W.P(MD)No.20140 of 2021

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

Index : Yes / No
Internet : Yes/ No
rmi
To

- 1.The Secretary,
Department of School Education,
Fort St.George, Madras-600 009.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Karur District.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Karur District.



WEB COPY



W.P(MD)No.20140 of 2021

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.20140 of 2021

08.02.2023