



W.P(MD)No.20522 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20522 of 2021

and

W.M.P.(MD)Nos.17154 and 17155 of 2021

The Correspondent,
St.Britto Higher Secondary School,
Gnanaolivupuram – 625 016,
Madurai District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai.

3.The Chief Educational Officer,
Madurai, Madurai District.

4.The District Educational Officer,
Madurai, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Government Order issued by the 1st respondent State



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Government in G.O.Ms.No.238, School Education (Pa.Ka.6(1) Department dated 13.11.2018 and the consequential proceeding of the 4th respondent District Educational Officer vide impugned proceeding in Moo.Mu.No.2722/A4/2021 dated --.08.2021, quash the same and further direct the respondents herein to approve forthwith the appointment of M.Karuppan as Scavenger w.e.f. 01.06.2021 in the petitioner's school and disburse the grant-in-aid towards his salary with all attendant benefits from the said date.

For Petitioner : Ms.A.Amala

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by Mr.J.Ashok,
Addl. 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 District 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



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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

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Chief Educational Officer,
Madurai, Madurai District.
- 4.The District Educational Officer,
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G.R.SWAMINATHAN, J.

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