



W.P(MD)No.16915 of 2018

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.16915 of 2018

and

W.M.P.(MD)No.14936 of 2018

J.Gnana Selvam

... 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-600 006.

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

4.The District Educational Officer,
Valliyoore-627 116,
Tirunelveli District.

5.The Correspondent,
St.Teresa's Higher Secondary School,
Vadakankulam-627 116,
Tirunelveli District.

... Respondents

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



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records relating to the impugned order issued by the fourth respondent District Educational Officer in O.Mu.No.4138/Aa2/2018, dated 30.05.2018 refusing approval to the appointment of the petitioner as Waterman, quash the same and further direct the fourth respondent District Educational Officer to approve forthwith the appointment of the petitioner as waterman in the fifth respondent school namely St.Teresa's Higher Secondary School, Vadakankulam and disburse the grant-in-aid towards the salary with all attendant benefits w.e.f the date of her appointment ie., on 03.10.2017.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard both sides.

2. The writ petitioner was appointed as waterman in the 5th respondent school with effect from 03.10.2017. The 5th respondent is an aided minority institution. The proposal for approving the appointment was submitted to the fourth respondent on 24.11.2017. The proposal was returned by citing G.O.Ms.No.64 dated 03.04.2018. Challenging the said stand, the present writ petition came to be filed.



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3. The first respondent has filed a detailed counter affidavit and the learned Special Government Pleader took me through its contents. It is true that G.O.Ms.No.64, School Education Department, dated 03.04.2018 provides for lapse of the post of waterman following the retirement of the incumbent. It is also true that the validity of the said G.O is not challenged in this writ petition. But the fact remains that the petitioner was appointed prior to issuance of G.O. The petitioner's appointment cannot be refused to be approved by citing the subsequently issued Government order.

4. In this view of the matter, the impugned order is set aside. The matter is remitted to the file of the fourth respondent. The fourth respondent shall re-consider the issue and if there is no other statutory or legal impediment, the petitioner's appointment shall be approved and all the financial benefits payable to the petitioner shall also be disbursed. The entire exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

- 1.The Secretary,
Department of School Education,
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- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
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