



W.P(MD)No.22795 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.22795 of 2021

and

W.M.P.(MD)Nos.19255 & 19257 of 2021

Holy Redeemer's Girls Higher Secondary School,
Represented by its Correspondent,
Palakkarai,
Trichy-620 008.

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Principal 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,
Trichy District.

4.The District Educational Officer,
The Office of the District Educational Officer,
Trichy 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 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 for the year 2019-2020 dated 25.11.2019 in Na.Ka.No.7000/A4/EE2/2019 on the file of the third respondent and quash the same, directing the respondents to hold that the posts of Library Attender and Sweeper / Gardener are not surplus 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.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 had 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

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Principal 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,
Trichy District.
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G.R.SWAMINATHAN, J.

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