



W.P(MD)No.23039 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.23039 of 2021

and

W.M.P.(MD)Nos.19517 & 19519 of 2021

Arul Jayaprakash,
St.Antony's Higher Secondary School,
Thanjavur-613 001.

... 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,
Thanjavur-613001.
- 4.The District Educational Officer,
The Office of the DEO, Thanjavur,
Thanjavur-613001.
- 5.The Correspondent,
St.Antony's Higher Secondary School,
Thanjavur-613 001.

... Respondents



W.P(MD)No.23039 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 proceedings dated ..03.2021 in Oo.Mu.No.1630/A2/2020 on the file of the third respondent and the subsequent proceedings dated 05.05.2021 in O.Mu.No.269/A3/2020 on the file of the fourth respondent and quash the same directing the respondents to approve the appointment of the petitioner Arul Jayaprakash, working in St.Antony's Higher Secondary School, Thanjavur-613 001 w.e.f 07.02.2019 in the Office Assistant Post with all service benefits.

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 was appointed in the fifth respondent school as Office Assistant with effect from 07.02.2019. The fifth respondent school is a minority institution. Citing G.O.(Ms) No.238, School Education Department, dated 13.11.2018, approval to the appointment of the petitioner was rejected.



W.P(MD)No.23039 of 2021

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 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
SKM

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,
Thanjavur-613001.
- 4.The District Educational Officer,
Thanjavur-613001.



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W.P(MD)No.23039 of 2021

G.R.SWAMINATHAN, J.

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W.P(MD)No.23039 of 2021

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