



W.P(MD)No.24703 of 2019

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.24703 of 2019

and

W.M.P.(MD)Nos.21329 and 21331 of 2019

The Correspondent,
St.Mary's Higher Secondary School,
Dindigul – 620 001,
Dindigul 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 – 600 009.

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

4.The District Educational Officer,
Dindigul, Dindigul 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 impugned Government Orders issued by the



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1st respondent State Government in G.O.Ms.No.238, School Education (Pa.Ka. 6(1) Department dated 13.11.2018 and the consequential proceedings issued by the 4th respondent District Educational Officer in Na.Ka.No.3100/Aa4/2019 dated 21.10.2019 denying approval to the appointment of S.Joseph John Kennedy as Junior Assistant, Quash the same, and further Direct the 3rd and 4th Respondents to approve forthwith the appointment of S.Joseph John Kennedy as Junior Assistant in the petitioner school from the date of his appointment viz., 24.07.2019 with salary and all other attendant benefits.

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

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.



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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

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 – 600 009.
- 3.The Chief Educational Officer,
Dindigul, Dindigul District.
- 4.The District Educational Officer,
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G.R.SWAMINATHAN, J.

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