



W.P(MD)No.25287 of 2019

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.25287 of 2019

and

W.M.P.(MD)Nos.21880 & 21881 of 2019

The Correspondent,
L.M.S.Girls Higher Secondary School,
Marthandam,
Kanyakumari 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-600 006.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.
- 4.The District Educational Officer,
Thiruvattar,
Kanyakumari District..

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned Government order issued by the first respondent dated 13.11.2018 in G.O.Ms.No.238, School Education (Pa.Ka.6(1)) Department and the consequential staff fixation settled by the third respondent CEO for the academic year 2018-2019 in Mu.Mu.No.012422/E2/2018, dated 26.12.2018 and the consequential proceedings in O.Mu.No.003337/E2/2019, dated 10.06.2019 insofar as rendering single cadre non-teaching posts viz., record clerk and Scavenger as surplus are concerned, quash the same.

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

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.N.Satheesh Kumar
Additional 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 upheld the validity of G.O.(Ms) No.238, dated 13.11.2018. I had also held that



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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
rmi/SKM

To

- 1.The Secretary,
Department of School Education,
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- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
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G.R.SWAMINATHAN, J.

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