



W.P(MD)No.25313 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25313 of 2019

and

W.M.P.(MD)Nos.21894, 21896 of 2019 & 1709 of 2020

The Correspondent,
RC Higher Secondary School
Tiruchirappalli-620001
Tiruchirappalli 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,
Tiruchirappalli, Tiruchirappalli District.
- 4.The District Educational Officer,
Tiruchirappalli,
Tiruchirappalli 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 Certiorarified Mandamus to call for the records pertaining to the impugned Government order issued by the first respondent in G.O.Ms.No.238, School Education [Pa.Ka.6(1)] Department dated 13.11.2018 and the consequential staff fixation settled by the third respondent CEO for the academic year 2018-2019 in Na.Ka.No.7002/E1/2018, dated 06.06.2019 insofar as rendering two posts of Junior Assistant, one post of Office Assistant, one post of Library Attender, one post of Sweeper and one post of Scavenger as surplus is 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. The staff-fixation impugned in the writ petition is sustained in respect of the period post G.O Ms No.238 dated 13.11.2018

3.This writ petition is disposed of. 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, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Tiruchirappalli, Tiruchirappalli District.
- 4.The District Educational Officer,
Tiruchirappalli, Tiruchirappalli District.



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G.R.SWAMINATHAN, J.

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08.02.2023