



W.P(MD)No.25043 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**RESERVED ON : 03.11.2022
DELIVERED ON : 08.02.2023**

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25043 of 2019

and

W.M.P(MD)Nos.21637 of 2019 & 3788 of 2020

The Correspondent,
St.Mary's Higher Secondary School,
Colachel – 629 251,
Kanyakumari District.

... Petitioner

Vs

- 1.The State represented by
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,
Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
Thackalay, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned Government Orders issued by the first respondent State Government



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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 Mu.Mu.No.12236/A6/2018 dated 05.01.2019 quash the same insofar as rendering one Record Clerk one Sweeper and one post of Waterman as surplus are concerned.

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

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 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



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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. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

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,
Nagercoil, Kanyakumari District.

4.The District Educational Officer,
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G.R.SWAMINATHAN, J.

MGA

Pre-delivery Order made in
W.P(MD)No.25043 of 2019

08.02.2023