



W.P(MD)No.25132 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.25132 of 2019

and

W.M.P.(MD)Nos.21730 and 21731 of 2019

and

W.M.P.(MD)No.1710 of 2020

The Correspondent,  
Ponniah Higher Secondary School,  
Palakkarai – 620 001,  
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



**W.P(MD)No.25132 of 2019**

**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 1st 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 3rd respondent CEO for the academic year 2018-2019 in Na.Ka.No.7002 / E1/2018 dated 06/06/2019 in so far as rendering one post of Junior Assistant, one post of Record Clerk, One post of Office Assistant, one post of Library Attender, one post of Sweeper and one Post of Scavenger as surplus are concerned, quash the same.

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

For Respondents : Mr.R.Baskaran,  
Addl. Advocate General,  
Assisted by Mr.S.Shaji Bino,  
Spl. 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



**W.P(MD)No.25132 of 2019**

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**

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,  
Tiruchirappalli,  
Tiruchirappalli District.
- 4.The District Educational Officer,  
Tiruchirappalli,  
Tiruchirappalli District.



WEB COPY



**W.P(MD)No.25132 of 2019**

**G.R.SWAMINATHAN, J.**

ias

**W.P(MD)No.25132 of 2019**

**08.02.2023**