



W.P(MD)No.25492 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.25492 of 2019**

**and**

**W.M.P(MD)No.22054 of 2019**

The Correspondent,  
St.Aloysius Higher Secondary School,  
Karankadu Post – 629 809,  
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.12134/A6/2018 dated 05.01.2019 quash the same insofar as rendering one post of Junior Assistant as surplus is concerned.

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

For Respondents : Mr.R.Baskaran  
Additional Advocate General  
Assisted by  
Mr.J.Ashok  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2.The writ petitioner is a recognized and aided 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 issuance of G.O.(Ms) No.238, dated 13.11.2018 will be subject to the said Government Order.



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3.This writ petition is disposed of on the same lines. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**08.02.2023**

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

- 1.The Secretary,  
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**G.R.SWAMINATHAN, J.**

MGA

Pre-delivery Order made in  
W.P(MD)No.25492 of 2019

08.02.2023