



W.P(MD)No.25552 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.25552 of 2019

and

W.M.P(MD)Nos.22102 & 22105 of 2019 and 4493 of 2020

Capron Hall Higher Secondary School for Girls,  
Represented by the Correspondent,  
Marthandan Thomas,  
Madurai – 625 016.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,  
Represented by its Principal Secretary,  
Department of School Education,  
Fort St.George,  
Chennai – 600 009.
- 2.The Director of School Education,  
DPI Campus,  
College Road,  
Chennai – 600 006.
- 3.The Chief Educational Officer,  
Office of the Chief Educational Office,  
Madurai.
- 4.The District Educational Officer,  
Office of the District Educational Officer,  
No.2, Thallakulam,  
Madurai.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 13.11.2018 in G.O.Ms.No.238, School Education [Pa.Ku.6(1)] Department, on the file of the 1<sup>st</sup> respondent and the consequential staff fixation of the year 2018-2019 dated 02.01.2019 in Na.Ka.No.11042/E1/2018 on the file of the 3<sup>rd</sup> respondent holding the one non-teaching post as surplus and consequential order passed by the 4<sup>th</sup> respondent on .07.2019 (signed on 01.08.2019) vide proceeding in O.Mu.No.3998/Aa2/2019 order quash the same and directing the respondents to approve the appointments of C.Thayammal as sweeper from the date of her appointment i.e., 01.04.2019 and disburse the monetary benefits payable to her within the time fixed by this Court.

For Petitioner : Mr.C.Fernandas Rathinaraja

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,



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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.

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

**08.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Btr



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WEB COPY

To

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WEB COPY



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

Btr

Pre-delivery Order made in  
**W.P(MD)No.25552 of 2019**

**08.02.2023**