



WEB COPY



W.P.No.10411 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10411 of 2021 and
WMP.Nos.11005 & 11006 of 2021

St.Bede's Anglo-Indian Higher Secondary School,
Represented by the Correspondent,
No.37, Santhome High Road, Santhome,
Chennai 600 004
(cause title amended as per order dated 04.04.2024
in WMP.No.11638 of 2021 in WP.No.10411 of 2021 ... Petitioner

Vs.

- 1.The Government of Tamilnadu,
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,
The Chief Educational Office,
Egmore,
Chennai 600 008
- 4.The District Educational Officer,
The District Educational Office,
Saidapet,
Chennai 600 015

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 13.11.2018 in GO.Ms.no.238, School Education (Pa.Ku 6(1) Department on the file of the first respondent and the consequential staff fixation of the year 2019-2020, dated 12.02.2021 in Mu.Mu.No.351/A6/2020 on the file of the third respondent and quash the same, directing the respondents to hold that the posts of Record Clerk, Waterman, Gardener and Sweeper(2), as eligible for the petitioner school.

For Petitioner : M/s.A.Arul Mary

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

The Writ Petition has been filed seeking to quash the order dated 13.11.2018 in G.O.Ms.No. 238, School Education [Pa. Ku. 6(1)] Department, on the file of the 1st respondent and the consequential staff fixation of the year 2019-2020, dated 12.02.2021 in Mu.Mu.No.351/A6/2020 on the file of the third respondent.

2. Heard, the submissions made by either side learned counsels and perused the materials available on record.



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3. The petitioner school was sanctioned with 11 non teaching posts. However, by the impugned GO, 10 categories of non teaching posts are reduced to three categories though certain posts are very essential for effective administration of the School. Out of the total number of 11 non teaching staff, five posts are held to be surplus and this anomaly in staff fixation is due to the impugned GO, which deprives most of the sanctioned posts of the non teaching staff.

4. In similar matter, the Hon'ble Division Bench of Madurai Bench of this Court, stayed the operation of the impugned Government Order in CMP(MD) No.6675 & 6677 of 2023 in WA.(MD)No.816 of 2023 dated 14.06.2023 observing as follows:

“Unless the Writ Appeal is disposed, no order either by upholding or by rejecting the impugned government order can be passed. Hence I feel these writ petitions can be disposed subject to the out come of the Writ Appeals. It goes without saying that the respondents would give approval if the Writ Appeal is dismissed.”

5. Therefore, it is observed that this writ petition can be disposed of



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subject to the out come of the Writ Appeal in WP(MD).No.816 of 2023.

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It goes without saying that the respondents would give approval if the Writ Appeal is dismissed.

6. In view of the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.04.2024
(2/2)

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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The Government of Tamilnadu,
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- 2.The Director of School Education,
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Chennai 600 006
- 3.The Chief Educational Officer,
The Chief Educational Office,
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- 4.The District Educational Officer,
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G.K.ILANTHIRAIYAN, J.

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