



W.P.(MD).No.7215 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.7215 of 2024

The Correspondent,
Holy Cross Girls Higher Secondary School,
Thoothukudi, Thoothukudi District.

... Petitioner

Vs

1. The Govt of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thoothukudi District.
4. The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Thoothukudi District.

... Respondents



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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 pertaining to the impugned order, dated 16.08.2019 in O.Mu.No. 3641/A4/2019 and the subsequent proceedings, dated 04.08.2023, in Moo.Mu.No.3309/A1/2020, on the file of the 4th respondent and quash the same, directing the respondents to accord approval to the appointment of Vimala, working as Sweeper in Holy Cross Higher Secondary School, Thoothukudi, Thoothukudi district, w.e.f 01.07.2018, with all monetary and other service benefits.

For Petitioner : Fr.S.Savarimuthu

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The petitioner has filed this writ petition challenging the impugned order, dated 16.08.2019 in O.Mu.No. 3641/A4/2019 and the subsequent proceedings, dated 04.08.2023, in Moo.Mu.No.3309/A1/2020, on the file of the 4th respondent and directing the respondents to accord approval to the appointment of Vimala, working as Sweeper in Holy Cross Higher Secondary School, Thoothukudi, Thoothukudi district, w.e.f 01.07.2018, with all monetary and other service benefits.



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2.The petitioner School has appointed one Vimala as Sweeper with effect from 01.07.2018 and to accord approval of the said appointment, they sent a proposal to the fourth respondent. However, the approval is not accorded in terms of of G.O.Ms.No.238, dated 13.11.2018, stating that the post of Sweeper found surplus, which is impugned herein.

3.The learned counsel for the petitioner submitted that the appointment has been made on 01.07.2018 before the G.O.Ms.No.238 came into force and hence, no retrospective effect can be given to G.O.Ms.No.238, dated 13.11.2018. Even as per the staff position existed in the year 2018-19, one post of Sweeper was sanctioned and allowed.

4.If at all G.O.Ms.No.238 is given effect to, it is applicable only with effect from 13.11.2018 to the petitioner minority School and not before 13.11.2018. However, in the present case, the appointment is made prior to 13.11.2018 pursuant to the sanctioned staff in the year 2018-19. For the sole reason, the impugned orders are liable to be set aside.



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5. In the result, the writ petition is allowed and the impugned orders are set aside. The respondents are directed to reconsider the proposal sent by the petitioner School to accord approval to the appointment of Mrs. Vimala as Sweeper with effect from 01.07.2018 and pass appropriate orders within a period of six (6) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

05.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Additional Chief Secretary,
Govt of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thoothukudi District.
4. The District Educational Officer (Secondary),
The Office of the District Educational Officer, Thoothukudi District.



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R.N.MANJULA, J.

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ORDER IN
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