



W.P.(MD).No.17841 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17841 of 2024
and WMP(MD) No.15296 of 2024

G.Melisal Margert Mary

... Petitioner

Vs

1. The Chief Educational Officer,
Thanjavur District.

2. The District Educational Officer(Secondary),
Thanjavur, Thanjavur District.

3. The Correspondent,
Girls Christian Higher Secondary School,
Thanjavur.

... Respondents

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 order passed by the 2nd respondent in his proceedings in O.Mu.No.1579/A3/2020 dated 10.02.2021 and consequential order passed by the 1st respondent in his proceedings in Mu.Mu.No.1539/A3/2022, dated 10.04.2024 and quash the same and direct the respondents to approve the



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appointment of Record Clerk from the date of appointment i.e., from 30.08.2017 with all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.The petitioner has filed this petition challenging the impugned order of the 2nd respondent in O.Mu.No.1579/A3/2020 dated 10.02.2021 and consequential order of the 1st respondent in Mu.Mu.No.1539/A3/2022, dated 10.04.2024 and direct the respondents to approve the appointment of Record Clerk from the date of appointment i.e., from 30.08.2017.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner has been appointed as an Record Clerk in the third respondent Private Aided Minority School. When the proposal for his appointment was sent to the respondent, approval was rejected by citing the G.O.Ms.No.238, School Education Department, dated 13.11.2018.

5.The petitioner's appointment relates back to 30.08.2017, even before the issuance of the G.O.Ms.No.238, School Education Department, dated 13.11.2018. Obviously, the said Government Order would have come into effect only on and from 13.11.2018 not any time prior to that. Even the above Government Order has been held inoperative so far as it relating to the appointment of non-teaching staff, as per the stay order issued in W.A.(MD) No.816 of 2023. Hence, there is no legal impediment for the respondents to grant approval to the appointment of the petitioner.

6.Since the individuals have been appointed as against the sanctioned strength fixed for the School and even prior to the issuance of G.O.Ms.No.238, School Education Department, dated 13.11.2018, I feel that appropriate direction be given by setting aside the impugned order.



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7. In the result, this writ petition is allowed and the impugned order of the 2nd respondent in O.Mu.No.1579/A3/2020 dated 10.02.2021 and the consequential order of the 1st respondent in Mu.Mu.No.1539/A3/2022, dated 10.04.2024 are hereby set aside and the respondents are directed to approve the appointment of the petitioner as Record Clerk from the date of appointment i.e., from 30.08.2017 within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently connected miscellaneous petition is closed.

31.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Chief Educational Officer,
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2. The District Educational Officer(Secondary),
Thanjavur, Thanjavur District.

3. The Correspondent,
Girls Christian Higher Secondary School,
Thanjavur.



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R.N.MANJULA, J.

PNM

**ORDER IN
W.P.(MD).No.17841 of 2024
and WMP(MD) No.15296 of 2024**

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