



W.P.(MD).No.23038 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 25.11.2024

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.23038 of 2023
and WMP(MD).Nos. 19227 & 19228 of 2023**

Mr.P.Bravin Jose (Watchman)

....Petitioner

Vs

1.The Principal Secretary to the Government
School Education Department
Secretariat, St.George Fort
Chennai 600 009

2.The Chief Educational Officer
Thoothukudi District 628 002

3.The District Educational Officer
Thoothukudi District

4.Pope Memorial Higher Secondary School
Sawyerpuram
Thoothukudi District 628 251.

....Respondents

Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling the impugned records in O.Mu.No.8277/Aa4/2022 dated 27.03.2023 on the file of the second respondent and to quash the same as illegal and consequently grant all service and monetary benefits with arrears of salary within the time frame as fixed by this Court.



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For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R3

ORDER

The instant writ petition has been filed by a Watchman appointed to the fourth respondent School challenging the order passed by the second respondent dated 10.03.2023 wherein his appointment has not been approved.

2.A perusal of the impugned order passed by the second respondent reveals that the appointment of the writ petitioner has not been approved in view of G.O(Ms).No.165, School Education Department 17.09.2019 and G.O.(Ms).No.238 School Education Department dated 13.11.2018.

3.A perusal of the staff fixation order for the academic year 2019-2020 reveals that one post of Watchman has been sanctioned for the fourth respondent School in which the petitioner has been appointed. In case, if there are no surplus Watchman within the corporate management for the academic year 2019-2020, the authorities are bound to approve the appointment of the writ petitioner.

4.Even as per G.O.(Ms).No.238, the petitioner School would be entitled to appoint one Watchman even in cases where the students strength is below 100. As per staff fixation order for the year 2019-2020, the students strength of the School is more than 500. In such circumstances, the order of



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the second respondent dated 10.03.2023 is liable to be set aside and accordingly, it is set aside. The second respondent is directed to approve the appointment of the writ petitioner as Watchman in the fourth respondent School from the date of his appointment and disburse all the benefits within a period of 12 weeks from the date of receipt of a copy of this order.

5.In the result, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2024.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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