



W.P.(MD).No.25954 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25954 of 2024

and

W.M.P.(MD) No.22021 of 2024

S.Leema
Record Clerk,
Little Flower Girls Higher Secondary School,
Ramanputhur,
Nagercoil – 629 004,
Kanyakumrai District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
2. The Director of School Education,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
The Office of the CEO,
S.L.B.South Road,
Nagercoil,
Kanyakumari District – 629 001.



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4. The District Educational Officer,
The Office of the DEO,
S.L.B South Road,
Nagercoil,
Kanyakumari District – 629 001.

5. The Correspondent,
Little Flower Girls Higher Secondary School,
Ramanputhur,
Nagercoil – 629 004.
Kanyakumari District.

... 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 relating to the impugned proceedings issued by the third respondent CEO in Na.Ka.No.3242/A4/2023, dated 22.05.2024, quash the same and further direct the third respondent Chief Educational Officer to approve forthwith the appointment of the petitioner as Record Clerk in the fifth respondent School, w.e.f 12.06.2019 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner	: Ms.S.Amala Irudhaya Mary
For R1 to R4	: Mr.N.Satheesh Kumar Additional Government Pleader
For R5	: No appearance



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ORDER

The present Writ Petition has been filed by a Record Clerk appointed in the fifth respondent School, challenging the order passed by the third respondent, wherein the request of the Management to approve her appointment has been rejected on the ground that there are surplus record clerks in the other institutions falling within the Corporate Management.

2. A perusal of the records indicate that the petitioner having been appointed on 12.06.2019 and the staff fixation order for the academic year 2018 – 2019 alone has to be taken into consideration. As far as the fifth respondent School is concerned, the students strength is more than 1000 and therefore, they are eligible to appoint one or more record clerks. As far as the finding in the impugned order relating to surplus record clerk in Kadiyapattinam School is concerned, the said surplus has been declared only for the academic year 2019-2020. The petitioner having been appointed in the academic year 2018 – 2019, the said surplus in Kadiyapattinam School cannot be taken into consideration.



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3. In view of the above said facts, the order impugned in the writ petition is set aside and the third respondent is directed to approve the appointment of the writ petitioner as record clerk with effect from 12.06.2019, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

27.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Secretary,
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3. The Chief Educational Officer,
The Office of the CEO,
S.L.B.South Road,
Nagercoil, Kanyakumari District – 629 001.
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R.VIJAYAKUMAR,J.

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