



Writ Petition No.3737 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 8/1/2025

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C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition No.3737 of 2021
a n d
W.M.P.Nos.4265 and 4266 of 2021

The Sengunthar Higher Secondary School
rep. By its Secretary
No.161 Meenakshi Sundaranar Road
(Old Name:Brough Road)
Erode 638 001.

...

Petitioner

Vs

1. The Government of Tamil Nadu
rep. By its Secretary
School Education Department
Fort St.George
Chennai 600 009.
2. The Director of School Education
College Road
Chennai 6.
3. The Chief Educational Officer
Erode District
Erode.
4. The District Educational Officer
Erode District
Erode.
5. P. Murugan



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Record Clerk
Sengunthar Higher Secondary School
No.161 Meenakshi Sundaranar Road
(Old Name:Brough Road)
Erode 638 001.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the third respondent Staff fixation order in Na.Ka.No.10502/A2/2018 dated Nil.12.2018 in so far as fixing one Record Clerk post as a surplus and consequently rejecting of approval of fifth respondent appointment in Na.Ka.No.8797/A2/2019 dated 23/7/2020 and quash the same and consequently, direct the respondents 1 to 4 to approve the appointment of the fifth respondent as a Record Clerk with effect from 1/11/2018 and pay the salary.

For petitioner ... Mr.K.Sathish Kumar

For respondents ... Ms.Akila Rajendran
Government Advocate

ORDER

This writ petition has been filed to quash the order of the third respondent dated Nil.12.2018 made in Na.Ka.No.10502/A2/2018 in so far as fixing one Record Clerk post as a surplus and consequently rejecting the



approval of fifth respondent appointment in Na.Ka.No.8797/A2/2019 dated 23/7/2020 and consequently, direct the respondents 1 to 4 to approve the appointment of the fifth respondent as a Record Clerk with effect from 1/11/2018 and pay the salary.

2. Brief facts which are necessary for the disposal of the writ petition are as follows:-

The petitioner School is the Government Aided Higher Secondary School governed under Tamil Nadu Recognized Private Schools Act, 1973. As per G.O.Ms.No.525, School Education (D-1) Department dated 29/12/1997, the Chief Educational Officer, inspected the School for the academic year 2017 – 2018 and gave a report on 9/11/2017 stating that for the total strength of the students 1867, fixed the staff strength as 66 for teaching and non-teaching post, in which one post of Record Clerk was mentioned as a sanctioned post.

3. One Mr.M.Rajasekaran was served as a Record Clerk and got retired from service on 31/10/2018. Hence, fifth respondent was joined on 1/11/2018 as a Record Clerk and the Secretary of the petitioner School sent a



proposal dated 24/1/2019 for approval of appointment of the fifth respondent by way of promotion.

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4. Pending approval, for the academic year 2018 – 2019, third respondent had conducted an inspection and found that for the total strength of the students of 1784, issued a fixation report in Na.Ka.No.10502/A2/2018 dated Nil.12.2018 that the Record Clerk was surplus. The said fixation report is contrary to G.O.Ms.No.238 School Education Department dated 13/11/2018.

5. In the meanwhile, fourth respondent had returned the proposal by Proceeding dated Nil.02.2019 for want of fixation report for the academic year 2018 – 2019. Even after re-submission of the proposal for more than three times, third respondent had returned the same on the ground that the post of Record Clerk was found surplus. Being aggrieved, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

6. The District Educational Officer, Erode District has filed a counter affidavit, wherein it is stated that the writ petitioner had misunderstood the



Government Order in G.O.Ms.No.238 School Education SE6 (1) Department

dated 13/11/2018, claiming the approval of the appointment of the Record Clerk post. In the said Government Order, it is clearly mentioned in para 3 (i) that maximum 2 posts are permissible among three cadres i.e., Junior Assistant/Assistant/Record Clerk, if there is more than 1000 students are studying. Now, in the petitioner's School there are two Junior Assistants and one Lab Assistants are working and hence, the post of Record Clerk is surplus and hence, the same cannot be approved as per the Government Order.

7. Heard Mr.K.Sathish Kumar, learned counsel for the petitioner and Ms.Akila Rajendran, learned Government Advocate for the respondents.

8. The learned counsel appearing for the petitioner would submit that the appointment of the fifth respondent is only on retirement vacancy arose due to one M.Rajasekaran who retired on 31/10/2018 and the fifth respondent was appointed on 1/11/2018 by way of promotion. Therefore, there is no financial burden to the Government, since the post ia already a sanctioned one.



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9. The learned Government Advocate for the respondents would submit that after careful consideration of the Government Order, the Chief Educational Officer, Erode has rightly fixed the staff fixation for the year 2018 – 2019 to the petitioner's School.

10. Perused the materials available on record.

11. Admittedly, the petitioner School is a Non-minority aided Higher Secondary School and getting aid from the Government for teaching and non-teaching post. The Chief Educational Officer, Erode, after taking into consideration of the Proceedings in Na.Ka.No.10502/A2/2018 dated Nil.12.2018, letter dated 20/3/2019 of the District Educational Officer, Erode and G.O.Ms.No.238 School Education SE6 (1) Department dated 13/11/2018, rejected the proposal sent by the petitioner School in accordance with the Government orders. Moreover, the writ petitioner had misunderstood the Government Order in G.O.Ms.No.238 School Education SE6 (1) Department dated 13/11/2018 claiming the approval of the appointment of the Record Clerk. In the petitioner School, two Junior Assistants are already working and hence, the post of Record Clerk is fixed as surplus. In such a view of the matter, this Court is of the considered view



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that prayer of the writ petitioner cannot be entertained and hence, this writ petition deserves dismissal.

12. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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mvs.

Index: yes/No

Neutral Citation: Yes/No

To

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