



W.A(MD)Nos.35 & 36 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

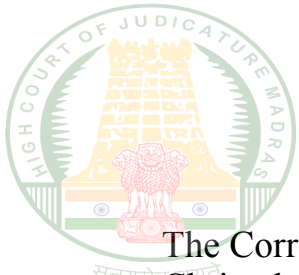
**W.A(MD)Nos.35 & 36 of 2023
and
C.M.P(MD)Nos.383 & 385 of 2023**

W.A(MD)No.35 of 2023:

- 1.The State represented by
The Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 009.
- 3.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

... Appellants /
Respondents

Vs.



W.A(MD)Nos.35 & 36 of 2023

The Correspondent,
Christ the King High School,
Piracode,
Fatima Nagar,
Kanyakumar District – 629 160.

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 11.11.2021 made in W.P(MD)No.5592 of 2018 and allow the Writ Appeal.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondent : Mr.K.Ragatheesh Kumar
for M/s.Issac Chambers

W.A(MD)No.36 of 2023:

- 1.The State represented by
The Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 009.
- 3.The Chief Educational Officer,
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- 4.The District Educational Officer,
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... Appellants /
Respondents



W.A(MD)Nos.35 & 36 of 2023

Vs.

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The Correspondent,
Christ the King High School,
Piracode,
Fatima Nagar,
Kanyakumar District – 629 160.

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 11.11.2021 made in W.P(MD)No.5595 of 2018 and allow the Writ Appeal.

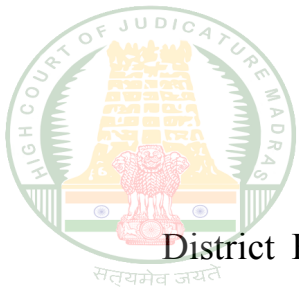
For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondent : Mr.K.Ragatheesh Kumar
for M/s.Issac Chambers

COMMON JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

The State is on appeal challenging the order dated 11.11.2021 allowing W.P(MD)Nos.5592 and 5595 of 2018 filed by the Correspondent, Christ the King High School, Piracode, Kanyakumari District. The school management had appointed one Florance and Lalitha as Scavenger and Sweeper respectively on part-time basis with effect from 01.06.2009. Since their appointments were not approved, W.P(MD)Nos.5592 and 5595 of 2018 were filed for directing the



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District Educational Officer, Kuzhithurai to approve the appointments. The

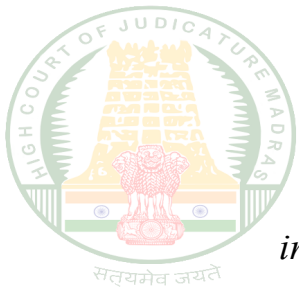
WEB COPY said Writ Petitions were allowed by the learned single Judge in the following

terms:

“2.An order of staff fixation for the year 2009-2010, dated 26.08.2009 reveals and establishes that the aforesaid individuals have been employed in sanctioned posts. Pursuant to their employment, the petitioner sought approval of their appointments, which came to be rejected by an order passed on 20.03.2012 by R4 returning the request for approval citing G.O.Ms.No.115, School Education Department, dated 30.05.2007.

3.The aforesaid GO provided for the appointments of the employees in various categories including scavengers and sweepers on outsourced basis. Reference to this GO will not come to the aid of the respondents, insofar as the said GO has come to be considered and quashed by a learned Single Judge of this Court in a batch of writ petitions in the case of Deva Asir Vs. The Secretary to Government, School Education Department and others [2016-3- L.W.152].

4.In the light of the aforesaid, there is no further impediment to the grant of approval as sought for and a direction is thus issued to R4/ District Educational Officer, to approve the appointments of the individuals and disburse their salary and other benefits as applicable to them, within a period of eight weeks from the date of uploading of this order



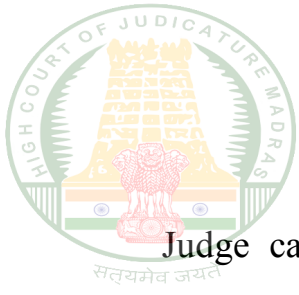
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in the official website of this Court. The mandamus as sought for stands achieved and these writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.”

Challenging the same, these Writ Appeals have been filed.

2.The learned Special Government Pleader reiterated all the contentions set out in the grounds of Writ Appeal and called upon us to set aside the order of the learned single Judge.

3.We are not swayed by the said submissions. The learned counsel appearing for the writ petitioner / School Management made available the staff fixation order issued by the District Educational Officer, Kuzhithurai in the year 2009. It is seen therefrom that the department had sanctioned the post of Scavenger and Sweeper on part-time basis. We are satisfied that the appointments were made only against the sanctioned posts. We are conscious that they are only part-time posts. It is seen that the proposals seeking approval were returned by citing G.O(Ms)No.115 School Education (D2) Department dated 30.05.2007. We take judicial notice of the fact that the said GO was quashed in ***Deva Asir Vs The Secretary to Government, School Education Department and others (2016-3-L.W.152)*** case. That is why the learned single



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Judge came to the conclusion that there is no longer any impediment for granting approval. In that view of the matter, the Writ Petitions came to be allowed. Interference with the said order is not warranted.

4.These Writ Appeals stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
11.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

The Correspondent,
Christ the King High School,
Piracode,
Fatima Nagar,
Kanyakumar District – 629 160.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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