



W.P.(MD)No.18708 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18708 of 2025

and

W.M.P.(MD)No.14346 of 2025

L.M.Vimala Christal

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat,
Chennai – 9.

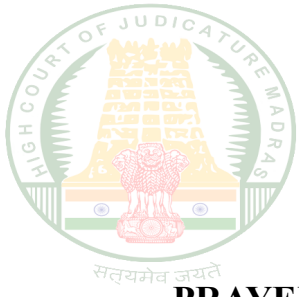
2.The Director of School Education,
College Road, Chennai.

3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

4.The District Educational Officer,
Marthandam,
Kanyakumari District.

5.The Correspondent,
St. Joseph High School,
Siluvaipuram,
Kollemcode Post - 629160,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the files of the third respondent pertaining to its proceeding in Na.Ka.No.10904(2)/A1/2019 dated 06.12.2023 and to quash the same and consequently, direct the respondents to approve the appointment of the petitioner as Junior Assistant from the date of her initial appointment that is from 01.08.2018 and to pay arrears of salary and all attendant service and monitory benefits consequent to the same, by considering the proposal resubmitted by the fifth respondent dated 27.05.2025, within a stipulated time that may be specified by this Court.

For Petitioner : Mr.S.C.Herold Singh

For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the impugned proceedings of the third respondent in Na.Ka.No.10904(2)/A1/2019, dated 06.12.2023 and directing the respondents to approve the appointment of the petitioner as 'Junior Assistant' from the date of her initial appointment, i.e., from 01.08.2018 and to pay arrears of salary and all attendant service and monetary benefits, based on the proposal resubmitted by the fifth respondent, on 27.05.2025.

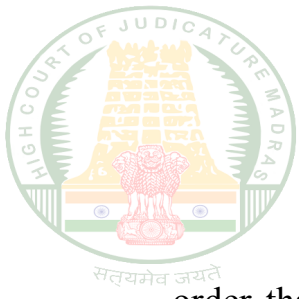


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2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

3. In the impugned order, dated 06.12.2023, it is stated that the post of Junior Assistant, for which, the petitioner was appointed has been declared as 'surplus' in the staff strength allotment fixed for the academic year 2017-2018. Hence, no approval is granted to the petitioner's appointment. The fifth respondent School has already filed W.P(MD)No.26072 of 2019, directing the respondents 3 and 4 therein to approve forthwith the appointment of the petitioner as Junior Assistant in the fifth respondent School w.e.f. the date of her appointment viz., 01.08.2018 and disburse the grand-in-aid towards her salary and allowance. This Court, by order 08.02.2023, allowed the said Writ Petition, directing the school management to resubmit the proposal pertaining to the appointment of the petitioner to the fourth respondent therein and also further directed the respondents 3 and 4 therein to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks after re-submission of the proposal. There is also a specific observation made in the said



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order that since the appointment of the petitioner was made on 01.08.2018 *i.e.*, well before the issuance of the said G.O.(Ms)No.238, School Education (SE 6(1)) Department, dated 13.11.2018, her case can be considered on merits. However, in the impugned order, the very same reason has been stated for rejection.

4. Since the appointment of the petitioner was made by the fifth respondent School prior to 13.11.2018 *i.e.*, well before the issuance of G.O. (Ms)No.238, the petitioner is entitled to be considered favourably pursuant to the specific observations made in the earlier order made by this Court in W.P. (MD)No.26072 of 2019, dated 08.02.2023. Since the impugned order has been passed without understanding the spirit of the above order, the impugned order is liable to be set aside.

5. In the result, this Writ Petition stands allowed and the impugned order of the third respondent in Na.Ka.No.10904(2)/A1/2019, dated 06.12.2023, is hereby set aside. The third respondent is directed to consider the proposal resubmitted by the fifth respondent School on 27.05.2025 afresh in the light of the earlier order passed by this Court [cited supra] and pass appropriate orders on



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merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

10.07.2025

To:-

- 1.The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai – 9.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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- 4.The District Educational Officer,
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VIVEK KUMAR SINGH, J.

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