



W.P.(MD)No.25378 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25378 of 2023

and

W.M.P.(MD)No.21542 of 2023

P.Efreny

: Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.
- 4.The District Educational Officer,
The Office of the District Educational Office,
Ramanathapuram, Ramanathapuram District.



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5.St.Andrew's Girls Higher Secondary School,

Rep. by the Correspondent,

Ramanathapuram,

Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records related to the impugned order dated 21.09.2023 and to quash the said order passed by the fifth respondent and consequently direct the fifth respondent to allow the petitioner to continue as record clerk in the said school.

[Prayer amended vide court order dated 19.09.2025 in W.M.P(MD)No.25598/23 in W.P.(MD)No.25378/23 by AQJ]

For Petitioner

: Mr.Mr.T.Lajapathi Roy,

Senior Counsel

for Mr.R.Babu Jaganath

For Respondents 1 to 4 : Mr.A.Baskaran

Additional Government Pleader

For Respondent No.5

: Mr.H.Jasima Yasmin

for M/s.Ajmal Associates



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out the work more than her capacity. With regard to her apprehension about the deployment, her promotion as Junior Assistant is protected by the order dated 09.03.2023 passed by this Hon'ble Court made in W.P.(MD).No.15818 of 2020, in and by which it was clearly held that G.O.Ms.No.238 relating to the surplus of non-teaching staff shall not be applicable to the case of the petitioner as her promotion was made prior to the issuance of the said G.O. In case of such necessity arising for the School, we undertake not to deploy her considering her physical disability and in the light of the provisions of the Rights of Persons with Disabilities Act, 2016."

3.As seen from the aforementioned paragraph in the affidavit dated 06.11.2025, filed by the fifth respondent, the fifth respondent admits that the petitioner being a physically challenged person is unable to climb the stairs and that the cadre of Junior Assistant in normal circumstance will have to move from place to place. The fifth respondent school has undertaken through their affidavit that the movement as required for the cadre of Junior Assistant in the case of petitioner will be taken care of by other persons and the petitioner will not be compelled to carry out work more than her capacity.



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4. In view of the unconditional undertaking given by the fifth respondent, the apprehension of the petitioner no longer survive and therefore, there is no requirement for the petitioner to be demoted to her original position namely Record Clerk. The approval for the promotion of the petitioner as Junior Assistant in the fifth respondent school has already been granted pursuant to the directions issued by this Court on 09.03.2023 passed in W.P.(MD) No.15818 of 2020.

5. Learned Counsel appearing for the fifth respondent school would submit that due to the pendency of this Writ Petition, approval order is yet to be granted by the official respondents till date. Since an unconditional undertaking has been given by the fifth respondent school that the petitioner will not suffer in the post of Junior Assistant on account of her physical disability, this Court after recording the undertaking of the fifth respondent school through their affidavit dated 06.11.2025, filed in this Writ Petition, directs the third respondent to comply with the directions of this Court issued on 09.03.2023 passed in W.P.(MD)No.15818 of 2020, by granting approval for the promotion of the petitioner as a Junior Assistant in the fifth respondent school within a period of eight [8]



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weeks from the date of receipt of a copy of the order.

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In terms of the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
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ABDUL QUDDHOSE., J.

MR

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