

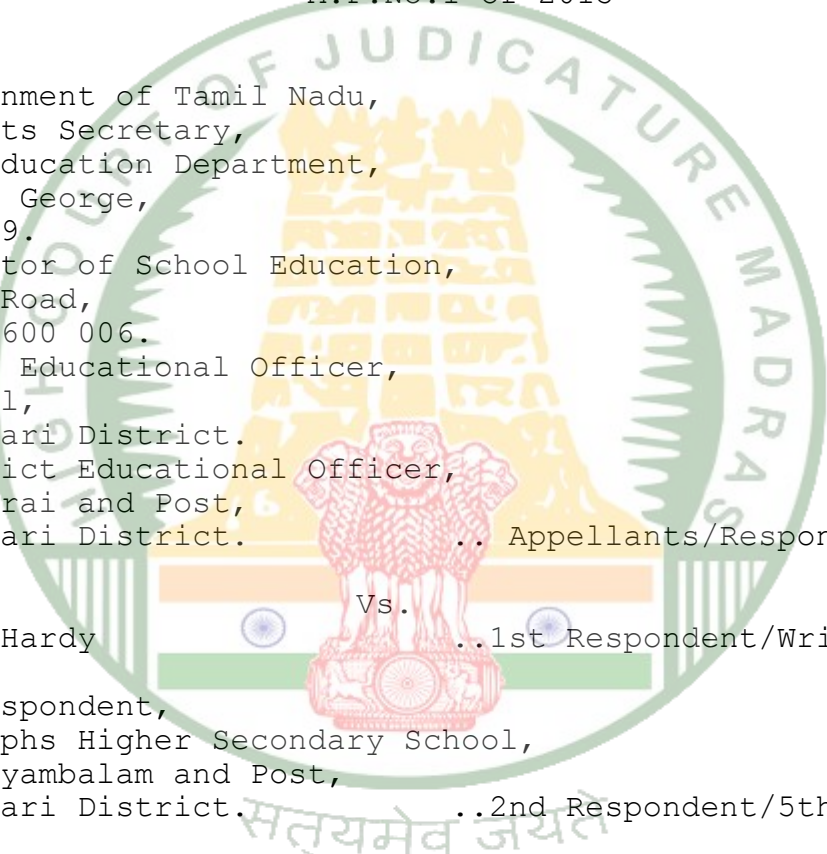
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.793 of 2015
and
M.P.No.1 of 2015

- 
- 1.The Government of Tamil Nadu,
rep by its Secretary,
School Education Department,
Fort St. George,
Chennai-9.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai and Post,
Kanyakumari District. ... Appellants/Respondent 1to4
- Vs.
- 1.G.Thomas Hardy ...1st Respondent/Writ petitioner
- 2.The Correspondent,
St. Josephs Higher Secondary School,
Vizhundayambalam and Post,
Kanyakumari District. ...2nd Respondent/5th Respondent

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 20.6.2014 made in W.P.No.11773 of 2003 to issue a writ of Certiorarified mandamus, to call for the records relating to the order of the first respondent passed in Lr.No.35252/D1/2000-3 dated 10.7.2001 and the consequential communication of the third respondent issued in Na.Ka.No.8691/A4/2002 dated 15.8.2002, quash the same insofar as non-sanction of one additional Physical Education Teacher Post to the 5th respondent school from 19.6.1985 is concerned and direct the respondents 1 to 4 herein to sanction second additional Physical Education Teacher post to the 5th respondent School from 19.6.1985 and approve the appointment of the petitioner as Physical Education Teacher from 19.6.1985 with salary and all other benefits.

For Appellant : Mr.R.Rajeswaran, Spl.G.P.

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant appeal is directed against the order dated 20.06.2014 passed in W.P.No.11773 of 2003, whereunder the writ petition filed by the first respondent herein was allowed with a direction to the appellants herein to sanction grant-in-aid for one additional post of Physical Education Teacher (for short "P.E.T.") in the second respondent school with approval of the first respondent as P.E.T with salary and other benefits with effect from 19.6.1985.

2 For the sake of brevity, the parties are referred to as per their litigative status in the instant appeal.

3 The brief facts as projected are that the second respondent school is the Christian religious minority school, having strength of more than 650 students since 1985 continuously. One post of P.E.T was sanctioned on 31.5.1985, which was filled up initially by appointment of the first respondent. Thereafter, he resigned and again re-appointed on 1985. As per G.O.Ms.No.340, School Education Department dated 01.04.1992 and G.O.Ms.No.525, School Education Department dated 29.12.1997, an additional P.E.T post is required to be sanctioned, if students strength is more than 300 and if the strength of the school for classes 6 to 10 is more than 250. For every additional strength of 300, one additional post may be sanctioned.

4 The second respondent herein filed a writ petition, being W.P.No.982 of 2000, whereunder the first appellant was directed to consider and pass orders on the representation dated 10.5.1999 of the second respondent herein. The said representation was decided on 10.7.2001, denying additional post of P.E.T. The first respondent continues to work as P.E.T in the said school. There is no dispute that the strength of the second respondent school is more than 650 and as such, additional post of P.E.T may be sanctioned under the aforestated G.Os.

5 The State has come up with the instant appeal, stating that other P.E.T in the nearby school may be posted in the second respondent school and as such, no direction can be issued for creating additional post of P.E.T and also approve the appointment of the first respondent on the said post.

6 Under such facts and circumstances, where the strength of the school is not disputed and it is also not disputed that under the circular, if the strength is more than 300, one additional post of P.E.T may be sanctioned. The posting of P.E.T from some other school may be a workable idea, but not a proper solution as physical development of the student is necessary for over all growth and development of the students. The first respondent has been

continuing on the post and extending his services as P.E.T. Thus, there is no reason to substitute him by other P.E.T other than to approve his appointment as additional P.E.T on the post.

7 We do not find any error, irregularity or irrationality in the order sought to be impugned in this appeal, warranting interference. The writ appeal is sans merit and accordingly, is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Secretary,
The Government of Tamil Nadu,
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+1cc to the Government Pleader, S.R.No.32216

RV(CO)
EU(14/07/2015)

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