

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.34868 of 2016
and
W.M.P.No.30030 of 2016

Arunachalam Aided Middle School
Ozhindhiyapattu Post
Vaanur Taluk
Villupuram District - 605 109
Rep. by its Secretary ... Petitioner

Versus

1. The Government of Tamil Nadu
Rep. by its Secretary,
School Education Department,
St. George Fort,
Chennai - 600 006.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Elementary Education Officer,
Villupuram District,
Villupuram.
4. The Addition Assistant Elementary
Educational Officer,
Vaanur at Thiruchitrambalam,
X Road, Aurovila via
Vannur Taluk,
Villupuram District. ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the respondents 1 and 2 to dispose of the petitioner's representation dated 11.01.2016 and to convert the retirement vacancy of P.Parthasarathy Vocational Instructor Post to B.T.Assistant Post and also sanction additional B.T.Posts in view of the Full Bench Judgment reported in 2006 (5) CTC 358, within a period of time.

For Petitioner : Mr.K.Sathish Kumar

For Respondents: Mr.A.N.Thambidurai,
Special Govt. Pleader

ORDER

The petitioner School is an Aided Middle School imparting education to the students from standard I to VIII. The petitioner school originally had a sanctioned strength of teaching staff viz., one middle school Head Master, five secondary grade teachers, one vocational instructor (PVI), totaling 7 teachers. The Government has transferred two secondary grade teachers from the petitioner school for want of students and at present, in the petitioner school, one Head Master, one B.T.Assistant, two secondary grade teachers alone. While so, one vocational instructor post became vacant during the year 2009 onwards due to retirement of Mr.Parthasarathy.

2. According to the petitioner, as per G.O.Ms.No.525, School Education Department, dated 29.12.1997, every year the authorities must inspect the school and give a report for fixing the staff strength. Unfortunately, the 3rd and 4th respondents did not inspect the petitioner school for more than three years and till date, they did not fix the staff strength. For the Academic Year 2015-2016, the petitioner's school is having strength of more than 120, in standard I to VIII and at present, only three teachers with one Headmaster are working and they are unable to manage the entire sections and therefore, the school management wants to appoint additional teachers. In this context, the petitioner relies on the decision of the Division Bench this Court in the case of Director of Elementary Education and others vs. Vigila, reported in 2006 (5) CTC 385, to contend that the petitioner School is entitled for one teacher to each section. As per the said judgment, the authorities have to sanction at least three more teachers to the petitioner school or at least the respondent shall permit the petitioner school to appoint vocational instructor post (sanction) on their own. In this regard, the petitioner school made a representation dated 11.01.2016 before the respondents, requesting them to convert the vocational instructor post to B.T. Assistant Post and further to sanction two more B.T.Assistant and the same is still pending for consideration. Hence, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submits that it would suffice, if the representation of the petitioner, dated 11.01.2016, is directed to be disposed of by the respondents, on merits and in accordance with law.

4. The learned Special Government Pleader appearing for the respondents has no objection for such an order being passed by this Court.

5. Considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioner, dated 11.01.2016, and to pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
School Education Department,
St. George Fort,
Chennai - 600 006.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Elementary Education Officer,
Villupuram District,
Villupuram.
4. The Addition Assistant Elementary
Educational Officer,
Vaanur at Thiruchitrambalam,
X Road, Aurovila via
Vannur Taluk, Villupuram District.

+1cc to Mr.K.Sathishkumar, Advocate sr.56799
+1cc to the Government Pleader Sr.56918

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srg 12/11/2016