



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.9718 of 2016

Everest Mariyappa Nadar Higher Secondary School,
represented by its Secretary,
Jothi Nagar, Kovilpatti,
Tuticorin District.

..Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tuticorin,
Tuticorin District.
- 4.The District Educational Officer,
Kovilpatti,
Tuticorin District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent herein to consider and pass orders on the Petitioner's representation dated 17.3.2016 seeking to refix the staff fixation for the academic year 2015-16 towards sanction/deployment of adequate staff to the Petitioner-school as per the existing norms and student's strength within a reasonable time fixed by this Court.

For Petitioner :M/s.E.V.N.Siva
For Respondents :Mr.V.Muruganandam
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.



3.The Petitioner is a recognized private aided school covered by the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules, 1974. As a matter of fact, the State Government gives grant-in-aid to schools, but only to the Tamil medium schools. According to the Petitioner/School, there are totally 1302 students.

4.The stand of the Petitioner/School is that the posts sanctioned to the school are: 1 Headmaster, 8 Post-Graduate Assistants, 1 Post-Graduate Assistant(Tamil), 1 Post Graduate Assistant (English), 1 Post-Graduate Assistant(Maths), 1 Post-Graduate Assistant(Botany), 1 Post-Graduate Assistant (Zoology), 1 Post-Graduate Assistant(History), 3 BT Assistants and 2 Secondary Grade BT Assistant Teachers, 2 Tamil Pandits, 1 Physical Educational Teacher and 5 Non-Teaching Staffs.

5.For the purpose of assignment of grant-in-aid to the aided sections, the State Government used to assess the number of posts according to the norms fixed by the Government from time to time. Indeed, the present norms in vogue insofar as Higher Secondary Section and Standards 9 and 10 is G.O.Ms.No.525(School Education), dated 29.12.1997 which came into effect from 1.6.1998. Separate norms were prescribed in respect of 6 and 8 standards in terms of G.O.Ms.No.231(School Education), dated 11.08.2010. So as to fix the staff-fixation for the academic year 2015-2016, the third respondent by means of proceedings in Pa.Ve.No.01/A3/2015, dated 10.8.2015 had called for documents from the Petitioner and the Petitioner/School furnished the relevant documents to the third respondent/The Chief Educational Officer, Tuticorin District on 14.8.2015, vide proposal, dated 13.08.2015.

6.It comes to be known that the third respondent/The Chief Educational Officer, Tuticorin District vide proceedings in Mu.Mu.No.6306/A3/2015, dated 26.12.2015 fixed the staff strength of the Petitioner/School as: 1 Headmaster, 8 Post-Graduate Assistants, 3 BT Assistants and 2 Secondary Grade Teachers, 2 Tamil Pandits, 1 Physical Educational Teacher and 5 Non-Teaching Staffs and called for objections, if any, within a period of seven days.

7.At this stage, the learned counsel for the Petitioner submits that as the eligibility of staff as per the existing norms and students strength was not considered, the Petitioner/School submitted its objections before the third respondent/The Chief Educational Officer, Tuticorin District by means of representation, dated 17.3.2016 seeking to re-fix the staff fixation in respect of the academic year 2015-2016 towards sanction/deployment of 4 ~~BT Assistant Teacher Posts~~, 5 BT Assistants, 1 Post-Graduate Assistant(Physics), 1 Post-Graduate Assistant (Chemistry), 1 Post-Graduate Assistant(Economics), 1 Tamil Pandit,



1 Post-Graduate Assistant(Commerce), 1 Physical Director and 1 Laboratory Assistant Post to the Petitioner/School as per the existing norms and students strength. It is also represented on behalf of the Petitioner/School that a reminder addressed to the third respondent was sent on 26.3.2016. But till date, no orders were passed and the representation of the Petitioner/School is pending without any consideration.

8.The learned counsel for the Petitioner projects an argument that appointment of 'adequate staff' is an essential requirement for the grant of recognition and providing free education under the Right of Children to Free and Compulsory Education Act, 2009. Further, it is the plea of the Petitioner/School that sanction of eligible posts to the school as per students strength is necessitated for providing free and compulsory education in the Petitioner/School. Inasmuch as the representation of the Petitioner/School, dated 17.3.2016 seeking to re-fix the staff fixation for the academic year 2015-2016 towards sanction/deployment of adequate staff to the Petitioner/School as per the existing norms and students strength has not been considered by the third respondent/The Chief Educational officer, Tuticorin District and also the reminder, dated 26.3.2016 in this regard was addressed to the third respondent. This Court, at this stage, simpliciter, without traversing upon the merits of the matter, on the basis of Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the third respondent/The Chief Educational Officer, Tuticorin District to look into the representation of the Petitioner/School, dated 17.3.2016 and the subsequent reminder, dated 26.3.2016 of the Petitioner/School within a period of one week from the date of receipt of a copy of this order and to pass a reasoned order on merits within a period of ten days thereafter(of-course after providing enough/adequate opportunity to the Petitioner/School by following the principles of natural justice).The third respondent is directed to pass the order in question within the time determined by this Court in an un-biased and dispassionate passion, un-influenced with any of the observations made by this Court.

9.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 600 009.



2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Tuticorin,
Tuticorin District.

4.The District Educational Officer,
Kovilpatti,
Tuticorin District.

+1cc to M/s.E.V.N.Siva, Advocate in SR.27287

+1cc to the Special Government Pleader, in SR.27669

W.P (MD) No.9718 of 2016
02.06.2016

vsn

PBK/AAL-MPA/SAR-II 02/06/2016 ::4P-7C:: (IT)