



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE M. S. RAMESH

Writ Petition (MD) No.3316 of 2011

and

M.P (MD) Nos.2 and 3 of 2011

The Correspondent,
Punitha Soosaiappar Higher Secondary
School, Arokiamatha Street, Dindigul,
Dindigul District 624 003.

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Dindigul, Dindigul District.

3.The District Educational Officer,
Dindigul, Dindigul District.

... Respondents

Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 2nd respondent Chief Educational Officer in Na.Ka.No. 4816/Aa 2/2010 dated 24/02/2011 and the consequential proceedings in Na.Ka.No. 4816/Aa2/2010 dated 24/02/2011 QUASH THE SAME in so far as they render one post of BT Assistant and one post of Secondary Grade teacher in the petitioner-school as surplus and seek to deploy those teacher to other schools.

For Petitioner

: Mr.K.Ragatheeshkumar for
Mr.Xavier Rajini

For Respondents

: Mr.T.R.Janarthanam,
Additional Government Pleader

ORDER

The petitioner school is a recognised and aided minority educational institution which was upgraded as a Higher Secondary School in the year 2005. The school offers education from standards 8 to 12 and the total students strength of the school is 1027. The Government had announced revised norms on students-teacher ratio under G.O.Ms.No.525, (School Education) Department dated 29.12.1997 with effect from 01.06.1998. The relevant portion

<https://hccservices.hccourts.gov.in/cases> of the Government Order reads as under:-

"II.Middle Schools:- (Standards VI to VIII)

a)The teacher-pupil ratio of 1:40 will be



followed. The same norms suggested for elementary schools will be followed. One of the posts will be in the grade of Middle School Headmaster.

b) When a Middle School is upgraded as High School, the post of Middle School Headmaster will be converted in to High School Headmaster. In respect of Elementary Schools, one post of Headmaster will be sanctioned as per existing orders.

c) When the strength in classes VI to X in High Schools exceeds 250, one post of Physical Education Teacher will be sanctioned and for every additional strength of 300 one additional post of Physical Education Teacher will be sanctioned subject to a maximum of 3".

2. According to the petitioner, the students strength in the petitioner school during the month of August 2010 for the academic year 2010-2011 and the eligibility of teachers according to the norms under G.O.Ms.No.525 is as below:-

Standard	Student Strength
VI	102
VII	120
VIII	143

3. The second respondent while settling annual staff fixation for the year 2010-2011 by the impugned proceedings dated 24.02.2011 had rendered one post of Secondary Grade Teacher as surplus, out of the eight sanctioned posts and one post of B.T.Assistant out of two sanctioned posts. Simultaneously, the second respondent had also passed another order dated 24.02.2011, redeploying one B.T.Assistant and one Secondary Grade Teacher from their school to another school. Since the action of the second respondent was in violation of the Government norms and contrary to the students strength, the petitioner has filed this writ petition.

4. Heard Mr.K.Ragatheeshkumar, learned counsel appearing for the petitioner and Mr.T.R.Janarthanam, learned Additional Government Pleader appearing for the respondents.

5. Learned counsel appearing for the petitioner would submit that the impugned staff fixation is in violation of the norms of G.O.Ms.No.525, School Education Department, dated 29.12.1997 since the school is eligible for a minimum of 10 teachers (2 B.T.Assistants and 8 Secondary Grade Teachers) on the basis of the students strength and therefore, the act of the Chief Educational Officer, fixing the eligibility as eight is arbitrary. According to the learned counsel, the second respondent, ought to have passed orders deploying one B.T.Assistant and one Secondary

Grade Teacher when the school is eligible to have a minimum of 10 teachers (2 B.T.Assistants and 8 Secondary Grade Teachers).

6.Learned counsel for the petitioner would further submit that as per the norms under the Right of Children to Free and Compulsory Education Act, 2009 (for short, 'the Act'), the school is eligible for 10 teachers on the basis of the students strength. The said Act prescribes separate norms for different stages of education and insofar as middle schools are concerned, a new ratio of one teacher for every 35 students was adopted in principle and hence, the impugned staff fixation is also in violation of the norms fixed under the Act.

7.Learned Additional Government Pleader, on the other hand, would submit that the fixation of posts for the year 2010-2011 for the petitioner school is calculated on the average attendance of the students strength mentioned on 13.08.2010, 11.11.2010 and 30.11.2010 and it was found that two posts were surplus. While adopting the norms in G.O.Ms.No.525 , dated 29.12.1997, the eligible posts was fixed at 8 as against sanctioned posts of 10 and hence, 2 posts were found surplus. Hence, the surplus posts transferred from minority school to another minority school.

8.I have given careful consideration to the submission made by the learned counsel on either side.

9.Before dealing with the facts of the petitioner's case, it would be relevant to consider the interpretation of G.O.Ms.No.525, dated 29.12.1997 as dealt with by the Hon'ble Full Bench of this Court in a judgment reported in 2006 (5) CTC 385 (*Director of Elementary Education, Chennai Vs.S.Vigila*). The relevant portion of the said judgment is as follows:

"23. Keeping in view the various relevant aspects, we feel that G.O.Ms.No.525 dated 29.12.1997 should be interpreted in the following manner:-

(1)*The ratio of students-teacher strength as indicated in the G.O. should be primarily considered by taking each individual standard/section as a unit.*

(2)*The minimum strength of teachers required obviously should not fall below the number of Standards/Section in a school. In other words, if there are five standards, obviously the minimum number of teachers should be five, out of which one would be the Headmaster.*

(3)*If the students' strength in a particular Standard exceeds 60, at that stage, an additional section is required to be created requiring the sanction of a second teacher and the strength reaches 100, the post of a third teacher is required.*



(4) Even after maintaining the aforesaid ratio by taking into account the students strength of each individual standard and additional section, as the case may be, by keeping in view the teacher-students ratio 1:40 of the entire school if the teachers strength is required to be increased, the same has to be allowed, but in no case, the teachers strength should be less than the number of standards including the additional sections. If more teachers are thus sanctioned keeping in view the over all strength of the school, the authorities of the school should create additional section in respect of any particular Standard according to the need and convenience keeping in view the standard of education. This requirement is not only in respect of aided schools or Government schools, but also in respect of any private recognised school. In other words, this ratio is to be maintained for any school which requires recognition.

(5) It would be obviously open to the Government to formulate appropriate norms in consonance with the above observation and provisions of the constitution.

10. In the case on hand, the respondents had proceeded by taking the entire school as one unit which is contrary to the above ratio laid down by the Hon'ble Full Bench. The students-teacher ratio should primarily be considered by taking each individual standard/section as one unit. Hence, the conduct of the respondents in treating the school as one unit is opposed to the ratio laid down by the Hon'ble Full Bench is misconstrued. As such, by applying the ratio laid down by the Hon'ble Full Bench, it can only be construed that as per the norms laid down in G.O.Ms.No.525, dated 29.12.1997, the petitioner school is eligible for a minimum of 10 teachers (2 B.T.Assistants and 8 Secondary Grade Teachers) on the basis of the students strength.

11. As rightly pointed out by the learned counsel for the petitioner, even otherwise, as per the norms under the Act, the ratio for primary school is two teachers for 60 students and insofar as middle school is concerned one teacher for every 35 students. Hence, the staff fixation as per the impugned order is also in violation of the provisions of the Act.

12. In view of the above observations, the order of the second respondent dated 24.02.2011 redeploying one B.T.Assistant and one Secondary Grade Teacher to the other school is also opposed to the norms laid down by the Hon'ble Full Bench as well as the provisions of the Act.



13. Under such circumstances, the impugned proceedings of the second respondent dated 24.02.2011 are quashed insofar as rendering one post of B.T. Assistant and one post of Secondary Grade Teacher in the petitioner's school as surplus is concerned.

14. The writ petition stands allowed. No costs. Consequently, M.P(MD) Nos. 2 and 3 of 2011 are closed.

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of School Education,

College Road, Chennai 600 006.

2. The Chief Educational Officer,
Dindigul, Dindigul District.

3. The District Educational Officer,
Dindigul, Dindigul District.

+One cc to Mr. S.J. Abiram Vikaash, Advocate, SR.No.81819

+One cc to The Special Government Pleader, SR.No.81882

sms

RL/6C/5P/GSV/PM/3.1.2017

order made in
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19.12.2016