

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3503 of 2017
and W.M.P.No.3514 of 2017

V.Senthilnayaki

... Petitioner

Vs.

1.The Chief Educational Officer,
Udhagamandalam.

2.The Correspondent,
Sri Shanthi Vijay Girls Higher Secondary School,
Ettines Road,
Udhagamandalam - 643 001,
The Nilgris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus to call for the records of the 1st respondent passed in Na.Ka.No.4216/B4/2016 dated 13.01.2017 and to quash the same and consequently to direct the 1st respondent to allow the petitioner to continue to work as B.T. Assistant (Tamil) in 2nd respondent School.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Dhananjayan
Special Government Pleader (R1)

सत्यमेव जयते
O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would aver that she was appointed as B.T. Assistant (Tamil) in the 2nd respondent School, which is a Government Aided Minority Institution, on 05.02.2015, based on the order of appointment dated 30.12.2014. The petitioner would further aver that she was married to one Kumaresan, presently working as Civil Engineer at Hosur and out of wedlock, begot a son, who is aged 16 years and studying 10th Standard in Christos Rex School, Ooty and is appearing for the SSLC Public Examination in March 2017 and since her husband is far away from home, she is looking after her son. The petitioner would further aver that as per the staff fixation

order issued by the District Educational Officer, Coonoor for the year 2016-17, there are 363 students studying in Tamil medium sections and 639 students studying in English medium sections, totalling to 1001 students and there are 12 B.T. Assistants, 4 Tamil Pandits - B.T. Assistant (Tamil) working and as per the Right to Education Act, the teacher - student strength prescribed for Standards 6 to 8 is 1 : 30. The petitioner would further aver that as per the Rules, there must be minimum 7 periods for each subject for a Section of students and as such, a teacher is expected to take 28 periods maximum in a week. Taking into consideration the actual strength of students and sections, which are also more in number, even the 4 B.T. Assistants (Tamil) working in the 2nd respondent School are sufficient to take classes and in the event of the petitioner's redeployment to some other School, all the 105 Sections have to be handled by the remaining 3 B.T. Assistants (Tamil), in which event, each teacher have to take 35 periods a week, which is impracticable and is against the welfare of the students also.

3. Mr.G.Sankaran, learned counsel appearing for the petitioner, on instructions, would submit that though the petitioner prays for larger relief, in the light of the fact that his son is doing SSLC in Christos Rex School, Ooty and has to take up the SSLC Public Examination in March 2017 and that despite the impugned order, the petitioner, as on today, is working in the 2nd respondent School as B.T. Assistant and she may be retained in the School till the completion of the present academic year and she may also be permitted to submit a representation for her transfer to a suitable place, through proper channel to the 1st respondent and the 1st respondent may be directed to consider and dispose of the representation accordingly.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the 1st respondent would submit that considering the student - teacher strength, one post of B.T. Assistant is considered to be in excess and therefore, the petitioner was transferred to a place, which is also in Nilgiris District and as such, the petitioner cannot have any grievance and prays for dismissal of the Writ Petition.

5. This Court has carefully considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for larger relief, this Court, especially, taking into consideration of the fact that the son of the petitioner is studying 10th Standard and has to take up Public Examination in March 2017 and further considering the fact that the petitioner, despite the impugned order, is working as on today in the 2nd respondent School, is of the view that the following order would meet the ends of justice.

" In the result, the Writ Petition is disposed of and the petitioner is to be retained as B.T. Assistant (Tamil) in the services of the 2nd respondent School till 30.05.2017. In the interregnum, it is also open to the petitioner to submit a representation to the 1st respondent, through proper channel, for her accommodation in a suitable place. As and when the said representation, through proper channel is received, the 1st respondent is directed to consider the same, on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of the same and communicate the decision taken, to the petitioner."

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

va

To

- 1.The Chief Educational Officer,
Udhagamandalam.
- 2.The Correspondent,
Sri Shanthi Vijay Girls Higher Secondary School,
Ettines Road,
Udhagamandalam - 643 001,
The Nilgris District.

+1cc to M/s.G.Sankaran, Sr.9629

+1cc to Government Pleader sr.9699

nr(co)
ss(2/3/2017)

W.P.No.3503 of 2017
and W.M.P.No.3514 of 2017