

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P. No. 10302 of 2004

&

W.P.M.P. No. 12018 of 2004

The Correspondent,
St. Lawrence Higher Secondary
School,
Madathattuvilai,
Villukuri - 629 180
Kanyakumari District.

...Petitioner

Vs.

1. The Secretary to the Govt. Of T.N.,
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,
Nagercoil - 629 001
Kanyakumari District.
4. The District Educational Officer,
Thukalay,
Kanyakumari District - 629 175.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd respondent Chief Educational Officer, Nagercoil, in Mu.Mu. No. 7434/A3/03 dated 29.10.2003 settling the Staff Fixation for the petitioner school for the year 2003-2004 and his consequent proceedings Na.Ka.No. 11199/A3/03 dated 04.01.2004 rejecting the petitioner's representation to set right the discrepancy in the said Staff Fixation, quash the saem in so far as it renders one post of Secondary Grade Teacher as surplus, and further direct the 3rd respondent herein to revise the Staff Fixation in the light of the Norms set out by the 1st respondent Government under G.O.Ms. No. 525 (School Education) dated 29.12.1997 and the judgment of this Hon'ble Court dated 09.11.2000 in Writ Appeal Nos. 1768 of

1998 etc. and approve the appointment made in the said post within a reasonable time as may be specified by this Hon'ble Court.

For Petitioner :: Mr.P. Godson Swaminath
For Respondents:: Mr.P. Senthilvel,
Govt. Advocate

O R D E R

The petitioner has challenged the staff fixation done by the 3rd respondent with regard to the petitioner school.

2. The writ petition was filed in the year 2004 and the prominent subsequent event is the enactment of Right of Children to Free and Compulsory Education Act, 2009 (RTE Act in short) and there are provisions under the said Act governing the fixation of student-teacher ratio.

3. In view of the change in circumstances, due to enactment of RTE Act, without quashing the impugned order, the 3rd respondent is directed to fix the staff strength based on the strength of the students in the petitioner school, as per the provisions of RTE Act, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Connected W.P.M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nv
To

1. The Secretary to the Govt. Of T.N.,
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- + 1 cc to M/s. Isaac Chambers, Advocate SR.58901
+ 1 cc to Government Pleader Sr.60221

W.P. No. 10302 of 2004

CS-V

Eu 13.09.17