

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 23010 of 2016

&

W.M.P. Nos. 19734 & 19735 of 2016

St. Anne's Aided Primary School,
rep. by its Correspondent,
Krishnagiri - 635 001.

..Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by the Addl. Chief Secretary,
Department of School Education,
Fort St. George,
Madras - 600 009.
2. The Director of Primary Education,
DPI Campus,
College Road,
Chennai - 600 006.
3. The District Elementary Educational
Officer,
The Office of the District Elementary
Educational Officer,
Krishnagiri, Krishnagiri District.
4. The Additional Elementary Educational
Officer,
The Office of the Additional Elementary
Educational Officer,
Krishnagiri, Krishnagiri District.
5. T. Grace Santham
6. R. Sarala

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Certiorari to call for the
records pertaining to the impugned order dated 25.05.2016 in
Na.Ka. No.1399/A1/2015 on the file of the 3rd respondent and
quash the same.

For Petitioner :: Dr.Fr. Xavier Arulraj for
Ms.A. Arul Mary

For Respondents:: Mr.T.M. Pappiah,
Special Government Pleader

O R D E R

The petitioner school is a Christian Minority school having student strength of 1343 for the academic year 2015-2016 with 21 teachers working in sanctioned posts including the Headmistress. The teacher-student ratio has been complied with as per the Right of Children to Free and Compulsory Education Act, 2009 and hence, no vacancy is available. The 3rd respondent, by virtue of order dated 16.11.2015, deployed two teachers transferring them from Annamalaiyar Aided School, Krishnagiri to the petitioner school. However, the petitioner submitted representations dated 10.08.2015, 12.04.2016 and 18.04.2016 to the 3rd respondent stating that being a minority school, they are not in a position to accept the deployed teachers due to lack of space and classrooms. Subsequently, the 3rd respondent, by proceedings dated 11.05.2016 issued show cause notice to the petitioner school. The petitioner school expressed its inability to take in the two deployed teachers. Thereafter, the 3rd respondent, issued the impugned proceedings dated 25.05.2016 ordering direct disbursement of grant-in-aid to the staff bypassing the Management of the petitioner school. The said order is being challenged before this Court.

2. When the matter is taken up today, it is represented by the learned Senior Counsel for the petitioner that two teachers, who were deployed by order dated 11.05.2016 have been re-deployed in some other third party school by virtue of orders dated 03.08.2017 and 21.07.2017. Therefore, the question of accommodating those teachers does not arise as the 3rd respondent had re-deployed them in other schools.

3. Learned Government Advocate has also not refuted the submission made by the learned counsel for the petitioner about the re-deployment of teachers in third party schools.

4. Therefore, the consequential order dated 25.05.2016 by which direct disbursement of grant-in-aid to the two teachers was ordered has to go.

Accordingly, the impugned order is quashed and the writ petition is allowed. No costs. Connected W.M.Ps are is closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

nv

To

1. The Addl. Chief Secretary,
Department of School Education,
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Madras - 600 009.
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4. The Additional Elementary Educational
Officer,
The Office of the Additional Elementary
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Krishnagiri, Krishnagiri District.

+1 CC to Ms.A. Arul Mary, Advocate sr 79412.
+1 CC to Govt. Pleader sr 79923.

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W.P. No. 23010 of 2016

SP(07/12/2017)