

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P. No. 34662 of 2003

The Correspondent,
St. Aloysius High School,
Elavuvilai - 629 171.
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 District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District - 629 165.

...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 District Educational Officer, Kuzhithurai, in Na.Ka. No. 7199/A3/03 dated 08.10.2003 settling the Staff Fixation for the petitioner school for the year 2003-2004, quash the saem in so far as it renders one post of Secondary Grade Teacher and one post of BT Assistant as surplus, and further direct the 3rd respondent herein to maintain the staff strength in terms of 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.

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 2003 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.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

nv

To

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 District Educational Officer,
Kuzhithuri at Marthandam,
Kanyakumari District - 629 165.

+1 Cc to Mr.P. Godson Swaminathan, Advocate sr 58900.

+1 Cc to Govt. Pleader sr 60223.

WEB COPY

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SP(14/09/2017)