

In the High Court of Judicature at Madras

Dated : 29.06.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. No.24559 of 2002

Mr.Sammicheal

...Petitioner

Vs

1. The District Educational Officer
Kuzhithurai.

2. Pius XI Higher Secondary School,
Rep. by Rev.Bishop of Trivandrum,
Bishop's House, Vellai Ambalam,
Trivandrum.

3. S.Gnanadoss,
Physical Education Teacher
South Palavilai & PO
Kanyakumari District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ, order of direction or any other writ in the nature of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his letter Na.Ka. No.2015/A2/2002 dated 27.06.2002 quash the same and direct the first respondent to approve the petitioner's appointment as physical education teacher of the second respondent school from 1.06.1991 and issue teachers grant to the petitioner.

For Petitioner : Mr. S.Marimuthu.

For Respondent No.1 : Mr. R.Vijayakumar,
Additional Government Pleader.

For Respondent Nos. 2 & 3: No appearance

ORDER

Questioning the proceedings dated 27.06.2002 the writ petitioner has moved the present writ petition on the ground that he should be retained as physical education teacher in the second respondent school.

2. On a reading of the impugned order dated 27.06.2002, this Court is able to find out that the writ petitioner was treated as a surplus teacher in view of the non availability of the required students strength as per the G.O.Ms.No.525 Education Department dated 29.12.1997 and the writ petitioner was posted to another school along with the post. In other words, the writ petitioner was transferred from second respondent school to another school at Thuthoor village. Treating a teacher as surplus by the first respondent was carried out in accordance with the G.O.Ms.No.525 dated 29.12.1997. The student- teacher norm was defined in the above Government Order and excess teachers, in any particular school, are to be treated as surplus and those teachers can be posted to any other school either along with the post or otherwise. It is a policy decision of the Government and no teacher can be kept in a school, where there is no student strength which will cause loss of revenue to the Government. Such being the policy, the impugned order in this writ petition treating the writ petitioner as surplus and transferring him to the another school along with the post cannot be considered as a grievance as per the Government Order.

3. Further the service condition of the writ petitioner has not been violated and the learned counsel appearing for the writ petitioner is also unable to establish that whether the service condition of the writ petitioner is violated.

Hence, the writ petitioner has no cause to move this Court by way of present writ petition on hand and accordingly this case is devoid of merits and stands dismissed. However there will be no order as to costs. M.P.33775 of 2002 is closed.

-s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

sli/jer
To

1. The District Educational Officer
Kuzhithurai.

+1 CC to The Govt. Pleader , sr 45745

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SS (CO)
sp(12/07/2017)