

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-07-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.35404 of 2003

The Correspondent,
St. Francis Higher Secondary School,
Vavarai, ST Mangad - 629 172
Kanyakumari District.

Petitioner

Vs

1. The Secretary to the Govt. of TN
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,
Kuzhithurai at Marthandam,
Kanyakumari District - 629 165

Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance writ of certiorarified mandamus calling for the records relating to the proceedings of the 3rd respondent Chief Educational Officer, Nagercoil in Mu.Mu.No.7548/A4/2003 dated 05.11.2003 settling the Staff Fixation for the petitioner/school for the year 2003-2004, quash the same in so far as it renders 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 Appeals Nos.1768 of 1998 etc.

For Petitioner : Mr.Isaac Mohanlal

For Respondents : Mr.P.Senthilvel
Government Advocate

O R D E R

The petitioner/school is a higher secondary school and the number of teachers working in this School are 10. By virtue of the impugned order, the third respondent declared that the petitioner is entitled to have only 9 BT Assistants and one has been declared excess. Challenging that order, this petitioner has been come before this Court.

2. Counter affidavit has been filed by the 4th respondent stating that issue of staff fixation has been reconsidered and thereafter by order dated 16.02.2004, all the 10 BT Assistants working in the Petitioner/School have been declared sufficient and there is no surplus BT post as stated in the impugned order. The related paragraph in the counter affidavit is extracted as follows:

"It is submitted that the 3rd respondent in this case fixed staff to the petitioner's School for the year 2003-2004 declaring one B.T. Post as surplus in Rc.No.7548/A4/03, Dated 05.11.2003. As per the request made by the Petitioner for reconsidering the staff fixation for his school, the Chief Educational Officer, Nagercoil has reconsidered the Staff Fixation proposal and allowed as per Rc.No.6709/A4/003, Dated 16.02.2004 all the B.T. Posts to the School and declaring no surplus B.T.Post to the School."

3. Since the petitioner's grievance is accepted and the petitioner is entitled to retain all the 10 BT Assistants and there is no excess BT Assistants, no further order is necessary in this regard. Hence this petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

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Sub Assistant Registrar

To

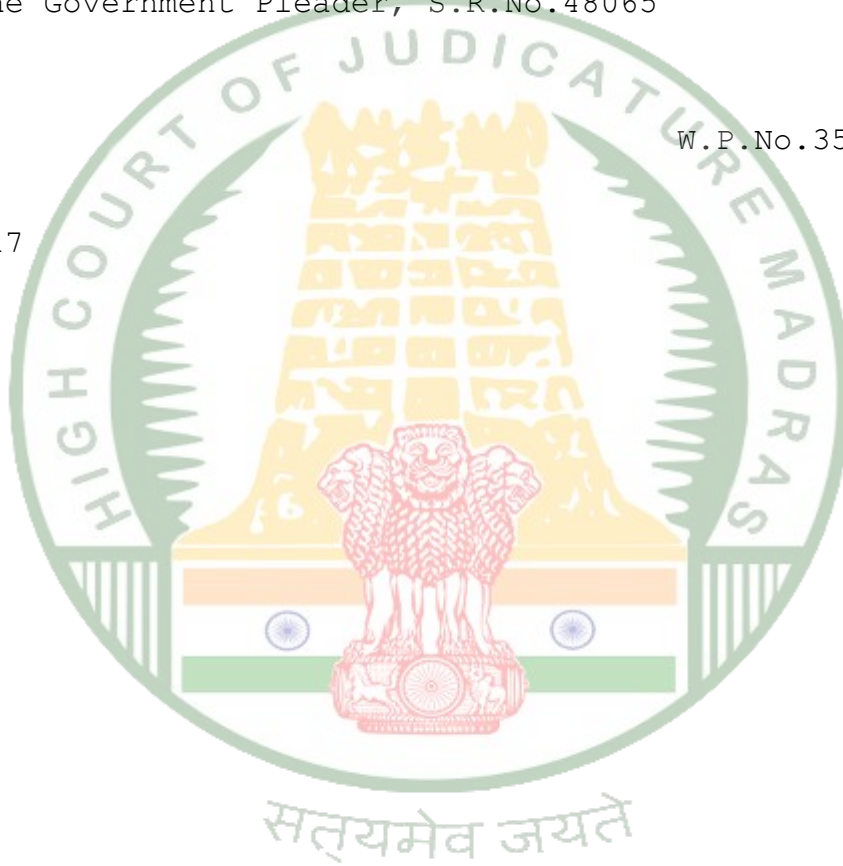
1. The Secretary to the Govt. of Tamil Nadu
Department of School Education,
Fort St. George, Chennai 600 009.

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,
Kuzhithurai at Marthandam,
Kanyakumari District - 629 165.

+1cc to Mr.P.Godson Swaminath, Advocate, S.R.No.47958
+1cc to the Government Pleader, S.R.No.48065

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SV(CO)
CS/11/08/17



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