



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

Writ Petition (MD) No.12876 of 2015andM.P(MD)No.1 of 2015

MN Nadar Primary School,
Pudur Main Road,
Melavaragunaramapuram,
Rajapalayam Taluk,
Virudhunagar District - 626 111,
Through by its Secretary
K.Kadarkarai.

... Petitioner

Vs.

1.Director of School Education (Elementary)
College Road,
Chennai 6.

2.District Elementary Educational Officer,
Virudhunagar.

3.Assistant Elementary Educational Officer,
Rajapalayam, Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records connected with the impugned order passed by the 2nd respondent in Na.Ka.No. 6211/A2/2014 dated 13.07.2015 as far as deploying Mr.P.Selvam working as Secondary Grade Teacher with post from the petitioner school is concerned and and quash the same.

For Petitioner

: Mr.K.K.Kannan

For Respondents

: Mr.V.R.Shanmuganathan,
Special Government Pleader.ORDER

When the matter is taken up for consideration, it is brought to the notice of this Court that the similar issue has already been decided and dismissed by this Court vide this Court order, dated 10.08.2016, made in W.P(MD)No.13234 of 2015. The operative portion of the said order is extracted below:-

"5.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents would submit that Section 26 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 gives enormous powers to the respondents to find out whether a



particular school has got sufficient or surplus teacher having regard to the strength of the pupils. According to him, proceedings are issued only in accordance with the norms fixed in the Grant-in-Aid Code of the Tamil Nadu Education Department as per Rules, regulation or order, as may be made or issued by the Government or the Director of School Education, from time to time, for appointment/deployment of teachers or others in any private school. He would further submit that the petitioner has wrongly come to this Court without even challenging the original order, dated 05.03.2015, fixing the strength of the students studying in Murugan Primary School, Punalveli. After applying the rules and regulations, the strength of the ratio of the students-teachers was fixed on 05.03.2015 and that being so, therefore, the petitioner should have challenged the said order, dated 05.03.2015, and not the consequential impugned order passed by the second respondent dated 22.07.2015 and hence, the writ petition, challenging only the consequential order, dated 22.07.2015, is not legally sustainable. Further, the reasons for transferring the petitioner to Perunthalaivar Kamarajar Primary School, Meenakshipuram, have been clearly mentioned in the previous order dated 05.03.2015. According to him, since the petitioner has already accepted the original order, dated 05.03.2015, fixing the students-teacher ratio, now she cannot challenge the impugned order.

6.As rightly pointed out by the learned Special Government Pleader, since the authorities found that, for the three consecutive years namely, 2011, 2012 and 2013, 37 surplus Secondary Grade Teachers were working at the aided schools in Virudhunagar District and that, as a result, the Government unnecessarily spent a huge amount of Rs.3,45,18,794/-, those surplus teachers were transferred to the schools in need of teachers. Therefore, there is no error or infirmity in the impugned order transferring the surplus teacher viz., the petitioner, to Perunthalaivar Kamarajar Primary School, Meenakshipuram. Secondly, as mentioned above, the petitioner has failed to challenge the original order, dated 05.03.2015, based on which the consequential order, viz., the present impugned order, came to be passed.

7.The writ petition is, therefore, dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 and W.M.P (MD)No.10846 of 2016 are closed"



2. In view of the above, this writ petition is also dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The Director of School Education (Elementary)
College Road, Chennai 6.

2.The District Elementary Educational Officer,
Virudhunagar.

3.The Assistant Elementary Educational Officer,
Rajapalayam, Virudhunagar District.

Skn
RL/4C/2P/SK/SKN/18.10.2016

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and
M.P (MD) No.1 of 2015

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