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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Writ Petition (MD) No.7711 of 2014

in

W.M.P.(MD)Nos.1 and 2 of 2014

The Corporate Manager, CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71A, Dennis Street,
Nagercoil - 629001.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.

3.The District Educational Officer,
Thuckalay, Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the second respondent Chief Educational Officer in Mu.Mu.No.6456/Aa1/2013, dated 03.10.2013 in so far as holding one posting of PG Assistant in Political Science as surplus is concerned and the consequent proceedings issued by the first respondent Director of School Education in Na.Ka.No.77423/W5/E2/2013, dated 26.03.2014 and quash the same.

For Petitioner	: Mr.T.Cibi Chakraborty
For Respondents	: Mr.J.Gunaseelan Muthaiah, Government Advocate.

ORDER

This Writ Petition has been filed by the Writ petitioner for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the second respondent Chief Educational Officer in Mu.Mu.No.6456/Aa1/2013, dated 03.10.2013 in so far as holding one posting of PG Assistant in Political Science as surplus is concerned and the consequent proceedings issued by the first respondent Director of School Education in Na.Ka.No.77423/W5/E2/2013, dated 26.03.2014 and quash the same.

2. The brief facts that are necessary for the disposal of this Writ petition are as follows:-

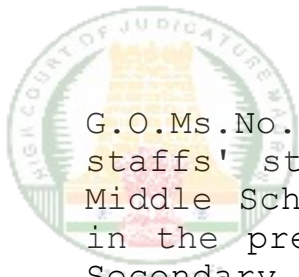
The petitioner is one of the schools under the Management of Church of South India, Diocese of Kanyakumari. One of the schools run by the Diocese is Christucoil L.M.S. Higher Secondary School, Palliyadi, Nagercoil, Kanyakumari District and it was recognized as an aided Minority institution. The school was initially established as a Primary School in the year 1874 and later, it was upgraded into a High School in the year 1961 and thereafter, it was upgraded into a Higher Secondary School in the year 1978, offering education from standards VI to XII. The total strength of the students is around 850 and there are 21 teachers working in the school and all the posts are sanctioned posts. In G.O.Ms.No,525 (School Education), dated 29.12.1997, as far as the Higher Secondary Schools are concerned, the staffs strength is not fixed on the basis of students' strength, but on the basis of number of groups, with which the school is offering education.

3. The petitioner's case is that the school is eligible to have one post of P.G. Assistant in Political Science as per norms and that the school was getting aid on that basis for a long time. However, by the impugned proceedings, one post of P.G. Assistant in Political Science was held to be surplus from the academic year 2013-14. The proceeding, dated 03.10.2013, by which the impugned order was passed, does not refer to any prior notice to the concerned school or the Management, namely, the petitioner in the Writ Petition.

4. Specific case of the learned counsel for the petitioner is that all along the concerned school was having one post of P.G. Assistant in Political Science and it is only by virtue of the impugned order passed one post was rendered surplus. When the staffs' strength is required to be fixed only on the basis of criteria prescribed in G.O.Ms.No.525 (School Education), dated 29.12.1997, the reduction of strength of teaching staff without there being any reduction of groups or strength of the students, by the impugned proceedings is arbitrary and contrary to the settled principles of law.

5. The learned Government Advocate for the respondents referred to the stands taken by the third respondent in the counter affidavit wherein, it is stated that the post of P.G. Assistant in Political Science had not been sanctioned to the said school from the Academic Year 2013-14. Though this is a fact, there is no explanation for rendering the post of P.G. Assistant in Political Science as surplus with effect from the academic year 2013-2014.

6. As pointed out by the learned counsel for the petitioner, the reduction of students' strength cannot be the reason for denying the post of P.G. Assistant in Political Science in terms of



G.O.Ms.No.525 (School Education), dated 29.12.1997. Though the staffs' strength is fixed on the basis of students' strength for Middle School and High School, student's strength is not relevant in the present case where the post is in relation to the Higher Secondary School.

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7. The learned counsel for the petitioner pointed out that the staffs' strength is not reduced for Standards VI to X and hence the contention of the third respondent in his counter affidavit does not hold water nor justified by any orders of the Government.

8. In such circumstances, this Court hold that the impugned order, namely, the staff fixation is in violation of norms fixed by the Government in G.O.Ms.No.525 (School Education), dated 29.12.1997 and hence, the Writ Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Director of School Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.

3.The District Educational Officer,
Thuckalay, Kanyakumari District.

+1cc to M/S.Xavier Rajini, Advocate SR.No.15643
+1cc to Special Government Pleader, SR.No.15578

ORDER MADE IN
Writ Petition (MD) No.7711 of 2014 in
W.M.P.(MD)Nos.1 and 2 of 2014
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