



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN****W.P (MD) No.4896 of 2017****and****W.M.P (MD) No.3966 of 2017**

TDTA Primary and Middle Schools
rep. by its Manager J.Samy doss,
CSI Diocese Office,
5, Punithavathiyar Street,
Palayamkottai, Tirunelveli District.

.. Petitioner

Vs.

1. The Secretary to the Government,
Government of Tamil Nadu,
School Education (C2) Department,
Fort. St. George, Chennai.

2. The Director of Elementary Education,
DPI Compound, College Road,
Nungampakkam, Chennai.

3. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.

4. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned staff fixation report issued by the third respondent for the academic year 2014-15 in Na.Ka.No.3006/B1/2015 dated 09.12.2015 and consequential staff fixation report issued for the academic year 2015-16 vide in Na.Ka.No.3930/B1/2016 dated 18.10.2016 and quash the same as illegal and further direct the respondents to re-fix the staff strength as per the Full Bench judgment reported in 2006(5) CTC 385.

For Petitioner

: Mr.S.Chellapandian

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

**ORDER**

This writ petition has been filed by the petitioner to issue a writ of certiorari to quash the impugned staff fixation report issued by the third respondent for the Academic Year 2014-2015 in Na.Ka.No.3006/B1/2015, dated 09.12.2015 and the consequential staff fixation report issued for the Academic Year 2015-2016 in Na.Ka.No.3930/B1/2016, dated 18.10.2016 and direct the respondents to re-fix the staff strength as per the Full Bench Judgment in the case in **the Director of Elementary Education, Chennai-6 and others V. S.Vigila** reported in **2006(5) CTC 385**.

2.The case of the petitioner is that there are 323 primary and middle schools running under the management of the petitioner diocese and they are aided minority educational institutions. The third respondent irrationally applied G.O.Ms.No.231, School Education (C2) Department, dated 11.08.2010 and collectively fixed the staff strength of the schools managed by the petitioner's institution for the Academic Years 2014-2015 and 2015-2016, vide impugned orders, dated 09.12.2015 and 18.10.2016 respectively. Therefore, the petitioner is before this Court with the aforesaid prayer.

3.A counter affidavit is filed, wherein it is contended that the third respondent has fixed the staff strength based on the student strength.

4.Heard the learned counsels appearing on either side and perused the materials placed before this Court.

5.The issue involved in this case is no more res-integra in view of the Full Bench Decision in the case of **the Director of Elementary Education, Chennai-6 and others V. S.Vigila** reported in **2006(5) CTC 385**, wherein the relevant G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997 was considered in detail and it has been observed at Para No.23 as follows:

'23.Keeping in view the various relevant aspects, we feel that G.O.Ms.No.525, dated 29.12.1997 should be interpreted in the following manner:

(1)The ratio of students-teacher strength as indicated in the G.O. Should be primarily considered by taking each individual standard/section as a unit.

(2)The minimum strength of teachers required obviously should not fall below the number of standards/Section in a school. In other words, if there are five standards, obviously the minimum number of teachers should be five, out of which one would be



the Headmaster.

(3) If the students' strength in a particular Standard exceeds 60, at that stage, an additional section is required to be created requiring the sanction of a second teacher and the strength reaches 100, the post of a third teacher is required.

(4) Even after maintaining the aforesaid ratio by taking into account the students' strength of each individual standard and additional section, as the case may be, by keeping in view the teacher-students ratio 1:40 of the entire school if the teachers strength is required to be increased, the same has to be allowed, but in no case, the teachers' strength should be less than the number of standards including the additional sections. If more teachers are thus sanctioned keeping in view the over all strength of the school, the authorities of the school should create additional section in respect of any particular Standard according to the need and convenience keeping in view the standard of education. This requirement is not only in respect of Aided Schools or Government Schools, but also in respect of any Private Recognized School. In other words, this ratio is to be maintained for any school which requires recognition.

(5) It would be obviously open to the Government to formulate appropriate norms in consonance with the above observation and provisions of the Constitution.''

6. Therefore, the respondents have to fix the staff strength only in accordance with the norms prescribed in the above said decision of the Full Bench for the Academic years 2014-2015 and 2015-2016.

7. Therefore, the Writ Petition is allowed and the impugned orders are set aside and the matter is remitted back to the third respondent for considering the staff fixation of the Petitioner-schools afresh in the light of the order passed by the Honourable Full Bench reported in **2006(5) CTC 385** cited supra. Such exercise shall be done by the third respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Secretary to the Government,
Government of Tamil Nadu,
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Fort. St. George, Chennai.
2. The Director of Elementary Education,
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Nungampakkam, Chennai.
3. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
4. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

+ 1 cc TO Mr.S.Chellapandian , Advocate in SR No. 84756
+1cc to The Special Government Pleader in SR.No.85080

smn

AE/GT/SAR2/17.11.2017/4P/7C

ORDER MADE IN
W.P (MD) No.4896 of 2017
and
W.M.P (MD) No.3966 of 2017
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