



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 19.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P (MD) No. 20362 of 2016

and

W.M.P (MD) Nos. 14560 and 14561 of 2016

WEB COPY

The Correspondent,
St. Antony's Primary School,
Pazhaiyakayal - 628 152.
Tuticorin District.

..Petitioner

Vs

1. The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai- 600 006.
3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
4. The Assistant Elementary Educational Officer,
Srivaikundam, Tuticorin District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned staff fixation fixed by the third respondent herein for the academic year 2014-15 vide proceedings issued by the fourth respondent herein vide Na.Ka.No.259/A1/2015, dated 13.3.2015 and subsequently impugned staff fixation fixed by the third respondent herein for the academic year 2015-16 vide proceedings Nil, dated 24.2.2016 and to quash the same and further to direct the respondents herein to refix the staff strength as per the Full Bench Judgement reported in 2006(5) CTC 385 within the reasonable time fixed by this Court.

For Petitioner	: M/s. Ajith Geethan
For Respondents	: Mr. T.S. Mohammed Mohideen
1 to 4	Addl Govt. Pleader

O R D E R

The Petitioner is aggrieved against the staff fixation order and also the surrender of the fourth post.

2. The Petitioner is an aided minority educational institution. It is having standards 1 to 5. It is stated that there are four teachers working in the school, out of whom, one is the Headmaster and three are the Secondary Grade Teachers. However, while fixing the staff-fixation for the academic years 2014-2015 and 2015-2016, one post of Secondary Grade Teacher was rendered surplus and



consequently, the fourth respondent surrendered the said post to the second respondent. Therefore, the Petitioner-school submitted a report to the third respondent to re-fix the staff-fixation in accordance with G.O.Ms.No.525, (School Education), dated 29.12.1997 and the Full Bench decision of this Court in the case of **the Director of Elementary Education, Chennai-6 and others .vs. S.Vigila reported in 2006(5) CTC 385**. However, the third respondent fixed the staff strength through the impugned proceedings as three. Therefore the present Writ Petition is filed seeking for the relief as stated supra.

3.A counter affidavit is filed wherein it is contended that the Petitioner-school is entitled to only three teachers 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 .vs. S.Vigila reported in 2006(5) CTC 385** wherein the relevant G.O.Ms.No.525(School Education) 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 order is set aside and the matter is remitted back to the third respondent for considering the staff fixation of the Petitioner-school 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. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1. The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
4. The Assistant Elementary Educational Officer,
Srivaikundam, Tuticorin District.

+1 cc to MR.A.AJITH GEETHAN, ADVOCATE, SR NO:3610

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 3395

vsn

sva/mr/vb/30.01.2017/3p/7c

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