

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :07.03.2018  
CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN  
W.P.No.1253 of 2016  
and  
W.M.P.No.992 of 2016

Hindu Middle School  
Rep.by its Manager,  
Vellai Panaiyeripatti,  
Keelapavoor Range - 627 808,  
Tirunelveli District.

..Petitioner

vs

- 1.The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai - 600 006.
  - 2.The District Elementary Educational Officer,  
Tirunelveli - 1.
  - 3.The Assistant Elementary Educational Officer,  
Keela Pavoor Range, Pavoor Chatram - 627 808.  
Tirunelveli District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to fix the staff fixation for the petitioner's school as 18 Teachers as per the Inspection Report of the 3<sup>rd</sup> respondent during the year 2015-2016 and approve the two appointments made by the Petitioner's school in respect of one B.Ed post namely J.Sukila and one Secondary Grade Post Namely R.Akila within a time frame as may be prescribed by this Hon'ble Court.

For Petitioner : M/s.R.Kamaraj  
For Respondents : M/s.V.Annalakshmi, GA

O R D E R

This writ petition has been filed for a Mandamus, directing the 1<sup>st</sup> respondent to fix the staff strength for the petitioner school as 18 Teachers, as per the Inspection Report of the 3<sup>rd</sup> respondent during the year 2015-2016 and approve the two appointments made by the petitioner school viz., (i)J.Sukila in the post of B.Ed and (ii)R.Akila in the Secondary Grade Post.

2. On 19.04.2017, when the matter was taken up for consideration, as agreed by both the parties, this Court directed the second respondent to conduct another inspection in the months of August and September, 2017 and file a report.

3. Accordingly, inspection was conducted and a report was filed by the second respondent in the form of additional counter affidavit dated 08.01.2018, as per which, three visits have been made by the District Elementary Educational officer to the school in question and the average strength of the students for the Standards 1 to V and VI to VIII, were 321 and 235 respectively.

4. The petitioner has filed its reply affidavit on 05.02.2018 to the aforesaid additional counter affidavit, wherein, in paras 4 and 5, it has been stated as follows:

"4. As per the Additional Counter Affidavit by the 2<sup>nd</sup> respondent in the above writ petition, the Standards 1 to 5 have the average students of 321. as per the Rules, upto 200 students, there shall be five teachers and one Headmaster i.e., six teachers. Above 200 i.e., 201 to 321, four teachers can be appointed. Therefore, upto the 5<sup>th</sup> standards, we are entitled to have ten teachers. Therefore, the appointment of one Ms. Ahila, appointed as the secondary grade teacher post has to be approved.

5. As per the above Additional Counter Affidavit with respect to Standards 6 to 8, there is an average of 235 students as per the three visits. As per the Rules, atleast one teacher for 35 students can be appointed. Therefore, seven teachers can be appointed by our school for the strength of 235 students. There are only five B.T Assistant posts have been filled up and two B.T. Assistant posts are vacant. The Tamil Pandit post and Sewing teacher cannot be taken into account for staff fixation under the students strength as the same are coming under the purview of extra curricular activities. Therefore, we are entitled to fill up another two B.T. Assistant Posts. Therefore, our appointment made in the above post of B.T. Assistant viz., Ms. Sukila has to be approved by the respondents."

5. Heard the learned counsel appearing for the parties and perused the materials, more particularly, the additional counter affidavit and reply affidavit filed by the respective parties.

6. It is an undisputed fact that the number of teachers are determined on the basis of the strength of the students. The

Students-Staff ratio is considered as an important determinant of learning outcomes and an indicator of the overall quality of an education system. If the staff strength is reduced, the strength of the school will be further reduced, which will ultimately affect the quality of education.

7.Thus, considering the facts and circumstances of the case and also taking note of the fact that the averments stated by the petitioner in the reply affidavit have not been refuted on the side of the respondents, this Court directs the respondents to consider the claim of the petitioner with regard to approval of two appointments made and payment for the same, on the basis of the report of the inspection done pursuant to the direction of this Court dated 19.04.2017 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IV

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai - 600 006.
- 2.The District Elementary Educational Officer,  
Tirunelveli - 1.
- 3.The Assistant Elementary Educational Officer,  
Keela Pavor Range, Pavor Chatram - 627 808.  
Tirunelveli District.

+1 cc to Mr.R.Kamaraj Advocate sr 17963  
+1 cc to the Govt Pleader sr 17773

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aa18/04/2018