

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :08.02.2018
CORAM
THE HON'BLE MR.JUSTICE R.MAHADEVAN
W.P.Nos.17959 & 17960 of 2009
and
MP.Nos.2 and 2 of 2009

The Manager
RC Schools, Salem Diocese Society
Salem - Namakkal Districts.

..Petitioner in both W.Ps

vs

1.The District Elementary Educational Officer,
Namakkal District,
Namakkal - 637 001.

2.The Assistant Elementary
Educational Officer, Namakkal,
Namakkal District - 637 001.

.. Respondents
in WP.No.17959 of 2009

1.The District Elementary Educational Officer,
Salem District,
Salem - 636 009.

2.The Assistant Elementary
Educational Officer, Yercaud,
Salem District - 636 602.

.. Respondents in
WP.No.17960 of 2009

Prayer in W.P.No.17959 of 2009: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 1st respondent District Elementary Educational Officer vide Na.Ka.No.3873/A3/2008 dated 31.10.2008 (holding one post of Secondary Grade teacher as surplus), quash the same in so far as they render one post of Secondary Grade Teacher as surplus among the 5 posts available in the petitioner school, St.Andrews RC Primary School, Odappalli, Cauvery R.S Post, Namakkal District.

Prayer in W.P.No.17960 of 2009: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 1st respondent District Elementary Educational Officer vide Na.Ka.No.4224/B1/2008 dated 17.11.2008

(holding one post of Secondary Grade Teacher as surplus), quash the same in so far as they render one post of Secondary Grade teacher as surplus among the 3 posts available in the petitioner school, St. Theresa Primary School, Athiyur, Yercaud, Salem District.

For Petitioner
(in Both W.Ps) : Mr.P.Godson Swaminathan

For RR1 & R2
(in Both W.Ps) : M/s.C.Munusamy
Special Government Pleader
(Education)

C O M M O N O R D E R

The petitioner has filed these writ petitions, challenging the orders passed by the respective first respondent in Na.Ka.No.3873/A3/2008 dated 31.10.2008 and Na.Ka.No.4224/B1/2008 dated 17.11.2008, holding one post of Secondary Grade Teacher as surplus, among the sanctioned posts in the petitioner School.

2.However, when the matters were taken up for consideration, the learned counsel for the petitioner as well as the Special Government Pleader appearing for the respondents jointly submitted that the issue involved herein is covered by a decision rendered by the Full Bench of this Court in Director of Elementary Education, Chennai -6 and others Vs. S.Vigila, [2006 (5) CTC 385], wherein, G.O.Ms.No.525, School Education(D1) Department, dated 29.12.1997 has been 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 recognised 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."

3. In the light of the full bench decision as referred to above, both the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

kak/r

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Salem District,
Salem - 636 009.

2. The Assistant Elementary Educational Officer,
Yercaud,
Salem District - 636 602.

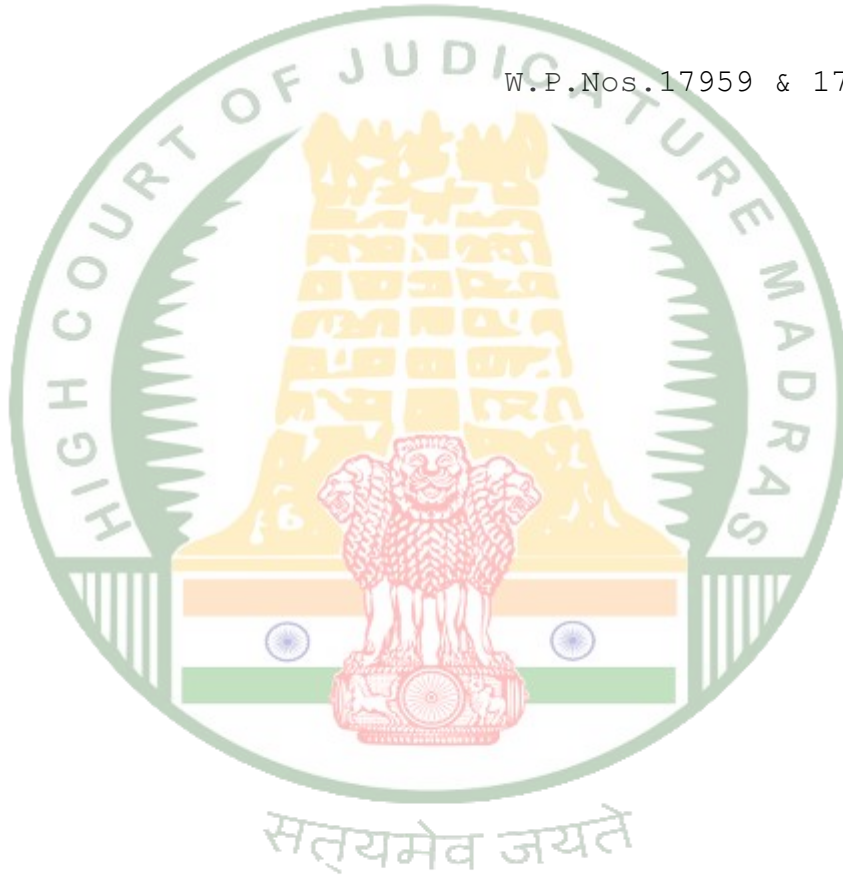
3. The District Elementary Educational Officer,
Namakkal District,
Namakkal - 637 001.

4.The Assistant Elementary Educational Officer,
Namakkal,
Namakkal District - 637 001.

+1cc to Mr.P.Godson Swaminathan, Advocate Sr.No.10475
+2cc to Government Pleader Sr.No.8418, 6592

RK (CO)
sm:5.3.2018

W.P.Nos.17959 & 17960 of 2009



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