

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.11.2018****CORAM:****THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN****W.P. (MD) Nos.119, 497 and 498 of 2015****and****M.P. (MD) Nos.2,2,2,3,3,3 and 4 of 2015**

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Shanthinikethan Higher Secondary School,
Represented by its Correspondent,
Amilikkai-624 612, Oddanchatram Taluk,
Dindigul District.

... Petitioner
in W.P.(MD)No.119 of 2015
... Petitioner
in W.P.(MD)No.497 of 2015
... Petitioner
in W.P.(MD)No.498 of 2015

J.Jebarani

M.Sundararaj

-Vs-

1. The Government of Tamil Nadu,
Represented by the Secretary,
Department of School Education,
Fort St.George, Madras-600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

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

5. The District Educational Officer,
Palani, Dindigul District.

... Respondents
in W.P.(MD)No.119 of 2015

1. The Government of Tamil Nadu,
Represented by the Secretary,
Department of School Education,
Fort St.George, Madras-600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3. The Joint Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.



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

5. The District Educational Officer,
Palani, Dindigul District.

... Respondents

in W.P.(MD)Nos.497 and 498 of 2015

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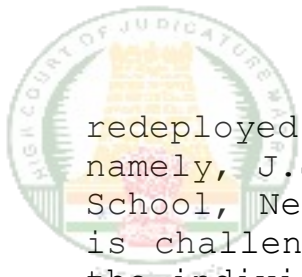
Prayer in W.P.(MD)No.119 of 2015: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.5052/A2/2014 dated 09.12.2014 passed by the fourth respondent and served on the petitioner on 29.12.2014 and quash the same and directing the respondents to accept the surrender of the excess Medical Lab Technician post by considering the petitioner proposal dated 26.11.2011, 24.05.2014 and consequently, forbearing the respondents from removing the sanctioned PG Tamil post and consequently, approve the PG Tamil Post by considering the proposal dated 12.10.2012.

Prayer in W.P.(MD)Nos.497 and 498 of 2015: Writ Petitions are 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 order in Na.Ka.No.5052/A2/2014 dated 09.12.2014 passed by the fourth respondent and served on the petitioner on 29.12.2014 and quash the same and directing the respondents to consider the issue of transferring junior most persons during the end of academic year after conducting counselling.

For Petitioner	: Mr.R.Murali in W.P.(MD)No.119 of 2015
For Petitioner (in W.P.(MD)No.497 of 2015)	: Mrs.J.Jebarani, Party-in-Person.
For Petitioner (in W.P.(MD)No.498 of 2015)	: Mr.M.Sundararajan, Party-in-Person
For Respondents (in all Writ Petitions)	: Mrs.S.Srimathy, Special Government Pleader.

COMMON ORDER

The petitioner's school in W.P.(MD)No.119 of 2015 is a private aided educational institution. Pursuant to Right to Education Act, 2009 and G.O.Ms.No.525, School Education Department, dated 29.12.1997, the student teacher strength of the petitioner institution was assessed for the year 2014-15 and it was found that two B.T. Teachers post have surplus, accordingly, the Chief Educational Officer, Dindigul District, who is the fourth respondent in all writ petitions, vide his order dated 09.12.2014, has identified two B.T. Teachers as excess and



redeployed the petitioners in W.P.(MD)Nos.497 and 498 of 2015, namely, J.Jebarani and M.Sundararaj to Guruvappa Higher Secondary School, Neiykarapatti, Palani, Dindigul District. The said order is challenged by the management in W.P.(MD)No.119 of 2015 and by the individual teachers in W.P.(MD)Nos.497 and 498 of 2015.

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2.In the counter affidavit filed by the State, it is stated that in 9th and 10th standard, only 297 students are studying in the petitioner's school at the time of staff fixation and in terms of G.O.Ms.525, School Education Department, dated 29.05.1997, the teacher and students ratio was fixed at 1:40 and therefore, total number of teachers required is 7 and whereas 9 B.T. Assistant teachers are in service. Hence, out of two surplus posts, one was surrendered due to retirement of T.Paulraj, B.T. Assistant and other surplus post is identified and Mr.Sundararajan, B.T. Assistant, (History) was transferred to Guruvappa Higher Secondary School, Neiyakarappati, Palani, Dindigul District. Likewise in the Secondary Grade teacher posts, two posts were identified as excess for which the petitioner in W.P.(MD)No.497 of 2015 was redeployed. Since there was an interim order in the writ petitions, the respondents were not able to give effect to the transfer of surplus teachers.

3.Now, it is brought to the notice of this Court by the learned counsel appearing for the management that the Education Department every year reassess the student teacher strength and identifies surplus teacher and by following certain procedures redeploy the excess teaching staff through counselling.

4.Considering the said submission, instead of disturbing the status-quo in the middle of the academic year, this Court is of the considered view that it is suffice to direct the respondents herein to assess the student teacher strength and fix teaching staff strength and accordingly, redeploy the excess staff to the needy school in accordance with G.O.Ms.No.525, School Education Department, dated 29.05.1997 and guidelines issued time to time by the authorities. The said exercise shall be made immediately after end of this academic year, till then this impugned order shall not be given effect to.

5.In the result, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/



To

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Madras-600 009.
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3. The Director of Elementary Education,
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5. The Chief Educational Officer,
Dindigul, Dindigul District.
6. The District Educational Officer,
Palani, Dindigul District.
7. The District Educational Officer,
Dindigul, Dindigul District.

+1cc to Special Government Pleader Sr.No.96806

Myr

MK/KK/SV/SAR 3/31.12.2018/4P/9C

W.P. (MD) Nos.119, 497 and 498 of 2015
23.11.2018