



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Nineteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD) Nos.11865 and 11866 of 2018
IN
WP(MD) Nos.12977 and 12978 of 2018

G.UMAMAHESWARI ... PETITIONER IN WMP(MD No.11865
IN WP(MD)No.12977 of 2018

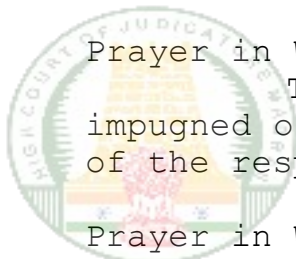
R.ANANTHAVALLI ... PETITIONER IN WMP(MD No.11866
IN WP(MD)No.12978 of 2018

Vs

- 1 STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 9.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
O/O. THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, CHENNAI - 6.
- 3 THE JOINT DIRECTOR OF SCHOOL EDUCATION (HIGHER SECONDARY),
O/O. THE JOINT DIRECTOR OF SCHOOL EDUCATION (HIGHER SECONDARY),
DPI CAMPUS, CHENNAI - 6
- 4 THE CHIEF EDUCATIONAL OFFICER,
O/O. THE CHIEF EDUCATIONAL OFFICER,
MADURAI, MADURAI DISTRICT.
- 5 THE DISTRICT EDUCATIONAL OFFICER,
O/O. THE DISTRICT EDUCATIONAL OFFICER,
MADURAI, MADURAI DISTRICT.
- 6 THE HEADMASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
MADURAI, MADURAI DISTRICT.

... RESPONDENTS
IN BOTH PETITIONS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of interim stay of operation of the impugned order in Na.Ra.No.5993/A4/2017 dated 14.06.2018 on the file of the respondent No.4 pending disposal of the writ petition.



Prayer in WMP(MD). 11866/ 2018 :

To pass an order of interim stay of operation of the impugned order in Na.Ka.No.5993/A4/2017 dated 14.06.2018 on the file of the respondent No.4 pending disposal of the writ petition.

Prayer in WP(MD). 12977/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.5993/A4/2017 dated 14.06.2018 on the file of the respondent No.4 and quash the same as illegal.

Prayer in WP(MD). 12978/ 2018 :

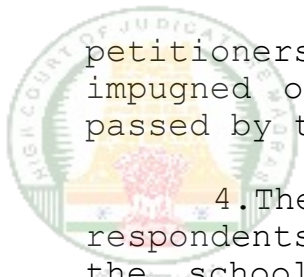
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.5993/A4/2017 dated 14.06.2018 on the file of the respondent No.4 and quash the same as illegal.

ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.ASWIN RAJASIMMAN, Advocate for the petitioner in both petitions and of Mrs.S.SRIMATHY, Special Government Pleader on behalf of the Respondents in both petitions the court made the following order:-

The petitioners are the PG Teachers taking Physics and Chemistry subjects respectively at the Government Girls Higher Secondary School, Madurai. As per the staff fixation for the school, the authorities by staff fixation order dated 04.09.2017 have fixed two Teachers for Physics and two Teachers for Chemistry taking into consideration the students strength of the school as on 01.08.2017. These two Teachers working in the school are within the sanctioned strength of two Teachers for each subject, namely, Physics and Chemistry. While that being so, by the impugned order dated 14.06.2018, both the petitioners have been re-deployed / transferred to some other School as excess Teachers. The said orders have been put under challenge in these writ petitions.

2.The learned counsel appearing for the petitioners would submit that these two Teachers are working in the school within the sanctioned strength of teaching staff of the said school. While that being so, they cannot be treated as excess Teachers and that based on such decision, the impugned order of redeployment of staff has been issued and hence, the same cannot be sustained.

3.Per contra, learned Special Government Pleader appearing for the respondents would submit that as per the students strength of both classes of 11th and 12th of both English and Tamil Medium, there are only 35 periods for the whole week to be taken by the Teachers for both Physics as well as Chemistry. If 35 periods for each subject is to be taken, every day, the Teacher can take only 7 periods and therefore, one Teacher can manage. Therefore, the second teacher, even though has already been sanctioned by way of staff fixation, would be an excess Teacher and accordingly, these



petitioners being the junior-most have been re-deployed through the impugned order. Therefore, there is no infirmity in the orders passed by the respondents.

4. The learned Special Government Pleader appearing for the respondents would further submit that all the Teachers working in the school are directed to take only 7 classes per day and therefore, the petitioners cannot take any exemption from taking 7 classes per day and therefore, certainly, one Teacher is enough for one subject. She would further submit that since these two Teachers have been identified as excess, they have been re-deployed.

5. I have considered the said submission made by both sides and I have also perused the materials placed before this Court.

6. No doubt for the subjects, totally 35 classes have to be taken for the whole week by the Teachers. According to the respondents, each Teacher can take 7 periods per day. However, this Court is of the prima facie view that a Teacher who is taking a particular subject, cannot be expected to take 7 classes / periods every day and in that case, effective teaching, which is essential for the students, who are studying 11th and 12th, may get affected.

7. In this regard, whether the same norm is being followed or not in all over the State can be decided at a later point of time, after filing counter affidavit by the respondents. However, prima facie, since this Court feels that if the petitioners are taken out from the school, where they have already identified as excess Teachers, the imparting of education, especially, for the subjects Physics and Chemistry, for all the students, who are studying in the School, would get affected. The reason being that, the total strength of the said school is 211, out of which, both students of English medium as well as Tamil Medium are studying and therefore, classes have to be taken separately for English Medium and for Tamil Medium students. In that view of the aforesaid factual position and the staff fixation order had already been issued in this regard, where two Teachers for each subjects, namely, Physics and Chemistry, had already been sanctioned for the school, these Teachers i.e., the petitioners herein cannot be treated as excess Teachers at this stage and on that ground, since the impugned orders are passed, the same are liable to be interfered with.

8. Accordingly, there shall be an order of interim stay.

9. Post the matter after four weeks. In the meanwhile, the respondents are directed to file their counter.

sd/-
19/06/2018

/ TRUE COPY /



TO

1 THE PRINCIPAL SECRETARY,
STATE OF TAMIL NADU,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
O/O. THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, CHENNAI - 6.

3 THE JOINT DIRECTOR OF SCHOOL EDUCATION (HIGHER SECONDARY),
O/O. THE JOINT DIRECTOR OF SCHOOL EDUCATION (HIGHER SECONDARY),
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4 THE CHIEF EDUCATIONAL OFFICER,
O/O. THE CHIEF EDUCATIONAL OFFICER,
MADURAI, MADURAI DISTRICT.

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O/O. THE DISTRICT EDUCATIONAL OFFICER,
MADURAI, MADURAI DISTRICT.

6 THE HEADMASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
MADURAI, MADURAI DISTRICT.

+2. C.C. to Mr.T.LAJAPATHI ROY Advocate SR.No.10753 & 10754.

ORDER

IN

WMP(MD) Nos.11865 and 11866 of 2018
IN

WP(MD) Nos.12977 and 12978 of 2018

Date :19/06/2018

SDS/PN/GSR/20.06.2018/4P/9C