



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.03.2018

CORAM :

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P(MD)No.21693 of 2017

and

W.M.P(MD).No.17990 of 2017

and

W.M.P(MD).No. 3991 of 2018

Sourashtra Higher Secondary School,  
Madurai Mandapam Road,  
Paramakudi-623 707,  
Ramanathapuram District,  
Rep. by its Correspondent,  
Mr.V.R.Jeyakrishna

..Petitioner

Vs.

1.The Secretary,  
Department of School Education,  
Fort St.George,  
Chennai.

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

3.The Joint Director of School Education,  
(Higher Secondary),  
DPI Campus,  
College Road,  
Chennai.

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

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the entire records pertaining to the impugned proceedings of the fourth respondent in Na.Ka.No.06064/Aa6/2017 dated 08.11.2017, quash the same.



For Petitioner : Mr.Niranjan S.Kumar  
For Respondents : Mr.J.Gunaseelan Muthiah  
Additional Government Pleader

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**ORDER**

The petitioner before this Court is an Aided Private School. It is aggrieved by the impugned order dated 08.11.2017, whereby, one Ragunathan, B.T.Assistant Maths has been re-deployed to a Government school. This Court went through the contents of the said order. It is bereft of particulars. The authority has not stated the number of children studying in the school, the staff fixation and other relevant details. There is nothing on record to show that in the petitioner's school, there are surplus teachers.

2.The learned Additional Government Pleader appearing for the respondent would submit that the said Ragunathan had since been re-deployed and that he is presently working in the Government Higher Secondary School, Cholakanpettai.

3.Therefore, at this point of time it may not be appropriate for this Court to quash the order in question. However, the fourth respondent is directed to pass a fresh order with regard to staff fixation. In other words, the fourth respondent will undertake a fresh exercise to determine if there are surplus teachers in the petitioner's school. The petitioner will have to be necessarily heard before passing any such final order. The fourth respondent shall pass final order on or before 30.05.2018. It is made clear that the position that prevailed in November 2017 alone will be the basis for passing any such final order. It is open to the writ petitioner to place all the materials to show that there are no surplus employees in the petitioner's school. If the finding is in favour of the writ petitioner, the status-quo shall be restored.

4.With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,  
Department of School Education,  
<https://hcservices.ecourts.gov.in/hcservices/>  
Fort St.George,  
Chennai.



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

3.The Joint Director of School Education,  
(Higher Secondary),  
DPI Campus,  
College Road,  
Chennai.

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

+1CC to Special Government Pleader in SR.NO.53593,  
+1CC to Mr.Niranjana S.Kumar Advocate in SR.NO.53055.

RMK

DS/SV/SAR-2 :30.05.2018: 3P/7C

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05.03.2018