



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.3983 of 2013

and

M.P (MD) Nos.1 & 2 of 2013

The Correspondent,
RC Middle School,
Sankarankovil-627 756,
Tirunelveli District.

... Petitioner

Vs

1.The Director of Elementary Education,
College Road, Chennai-600 006.

2.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Additional Assistant Elementary
Educational Officer,
Sankarankovil,
Tirunelveli District-627756.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent District Elementary Educational Officer, dated.....2012 (settling the Staff Fixation for the petitioner-school for the year 2011-2012) insofar as it fixes the school's eligibility for Secondary Grade teachers/BT Assistant as twenty and rendered 3 as surplus and the subsequent proceedings issued by the Additional Assistant Elementary Educational Officer in Na.Ka.No.347/A2/2012, dated 31.10.2012 declining to approve the appointment of A.Sheela Devi Alexandar and the subsequent proceedings issued by the Additional Assistant Elementary Educational Officer in Na.Ka.No.624/A2/2011, dated 28.10.2011 declining to approve the appointment of V.Sanjeevi, quash the same and further to direct the respondents to approve the appointment of A.Sheela Devi Alexandar as BT Assistant in History w.e.f., 16.06.2011 and V.Sanjeevi as Secondary Grade teacher w.e.f., 04.07.2011 and disburse the grant-in-aid towards their salary with all attendant benefits including arrears.

For Petitioner :Mr.S.Xavier Rajini
For R1 to R3 :Mr.R.Sethuraman,
Special Govt. Pleader

ORDER

The Staff Fixation Order for the academic year 2011-12 is under challenge in this Writ Petition. This apart, the proposal submitted



by the School Management for grant of approval of appointment of the Petitioner, dated 28.10.2011 is also under challenge in this Writ Petition.

2. The learned counsel for the Writ Petitioner states that the approval of appointment has not been granted so far to the Writ Petitioner. This apart, the Writ Petitioner had been erroneously treated as surplus teacher. However, the Staff Fixation Order of the year 2011-12 was challenged in this Writ Petition and thereafter only, inspections were conducted by the District Elementary Educational Officer.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that as per the current Inspection Report submitted for the academic year 2016-17, even as per the current Staff Fixation Order, the Teachers Strength was fixed based on the student-Teacher ratio and accordingly, even at present, the Writ Petitioner is treated as surplus Teacher. This apart, in respect of the proposals submitted by the Management seeking approval of appointment, it is for the competent educational authorities to scrutinize the proposals in accordance with the Rules and consider the same and pass orders in this regard. Thus it is made clear that the respondents have to follow the current Staff Fixation Order as per the report submitted by the competent authority and in respect of the grant of approval of appointment, the proposal submitted by the Management has to be considered and a decision is to be taken and accordingly pass orders on merits and in accordance with law.

4. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Chennai-600 006.

2. The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

3. The Additional Assistant Elementary
Educational Officer,
Sankarankovil, Tirunelveli District-627756.

+1cc to M/S.ISSAC CHAMBERS, Advocate, SR.No.54783

+1cc to M/s.Special Government Pleader, SR.No. 54548

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