



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.07.2019

PRONOUNCED ON : 16.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.9605 of 2019 and
W.M.P.No.10217 of 2019

Tagore Educational Society,
Rep. By its Founder cum Chairman,
K.C.Rajabather,
No.291/88E, Gingee Road,
Tindivanam - 604 001.

...

Petitioner

Vs

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

2.The Block Educational Officer Incharge,
Olakur @ Saram Village,
Tindivanam Taluk,
Villupuram District.

3.The District Elementary Educational Officer,
Villupuram District.

... Respondents

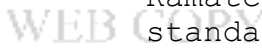
Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of Certiorarified mandamus calling for the records relating to the proceedings dated 17.10.2018 in OM.No.31/A2/2018 on the file of the second respondent and the order dated 10.04.2018 in Na.Ka.NO.1673/A4/2018 on the third respondent and quash the same and consequently direct the respondents 2 and 3 to forthwith permit the petitioner to fill up the post of Instructor which fell vacant due to retirement on 31.05.2017.

For petitioner

:Mrs.A.L.Gandhimathi

For Respondents

:Ms.V.Annalakshmi,
Government Advocate



ORDER

The petitioner Society is running a school by name Sri Kamatchi Vilas Middle School. 45 children are studying in standards I to V and 68 children are studying in standards VI to VIII. This school was established in the year 1937 with Government aid.

2. In the year 1986, one sanctioned post of Weaving Teacher was converted as Tailoring Teacher and duly filled up. While so, when the Tailoring Teacher working in the school retired on 31.05.2017. In the said vacancy, the petitioner society wanted to fill a suitable candidate. Hence, made an application to the respondents requesting permission to fill the post. The said request forwarded to second respondent through third respondent was rejected vide proceedings dated 10.04.2018 citing the strength of the school being 45 in the Elementary school (classes I to V) and 68 in the Middle school (classes VI to VIII) and G.O.Ms.No.231 School Education Department dated 11.08.2010 permits the post of Tailoring Teacher only to the schools having students strength of more than 100 in the Middle school. Challenging the said proceedings, the present writ petition for issuance of certiorari and mandamus is filed.

3. In the counter filed by the second respondent, it is stated that the students strength of the petitioner school as on 01.08.2018 was 36 in standards I to V and 73 in standards VI to VIII, with overall strength of 109 in standards I to VIII. For the current academic year, 2019-2020, the overall student strength of the petitioner school is 110. Out of which, 79 are in classes VI to VIII. As per G.O.Ms.No.525 School Education Department dated 25.12.1997, the Teacher - Pupil ratio is fixed.

4. During the annual inspection of the schools, based on the enrollment, excess or surplus Teachers are transferred to other needy school or, if the excess seat fall vacant sanction for new appointment not given, the post to be surrendered. The request of the petitioner for grant of permission to appoint Tailoring Teacher was rejected, when it was found the number of students in the school is not sufficient, to fill the post of Tailoring Teacher. The Right to Children to Free and Compulsory Education Act, 2009 envisages the criteria of Teachers posts eligible. According to this Act, part time Instructor for work education vocational Teachers can be filled if only, more than 100 students are studying in standards VI to VIII.

5. In the counter affidavit, the respondents have given the statistics of Teachers - Pupil ratio in the petitioner school, wherein, for a total strength of 109 students, from standards I



to VIII, there are 10 sanctioned posts. Actually out of 10 posts, five posts are identified as surplus. Since, two Teachers working as Tailoring Teachers have retired already, the remaining three Teachers in excess have to be deployed to the needy school. Therefore, permitting to appoint Tailoring Teacher to the petitioner school does not arise.

6.The Government in the year 1997, revised the norms for assessment of grant for teaching posts for aided private schools and issued G.O.Ms.No.525 School Education Department dated 29.12.1997. As per this Government Order, the norms fixed for Elementary school and Middle school is as follows:-

"II.MIDDLE SCHOOL (Standards VI to VIII)

a)The teacher-pupil ratio of 1:40 will be followed. The same norms suggested for elementary schools will be followed. One of the posts will be in the grade of Middle School Head Master.

b)When a Middle School is upgraded as High School, the post of Middle School Head Master will be converted into High School Head Master. In respect of elementary schools, one post of Head Master will be sanctioned as per existing orders."

7.After the enactment of Right of Children to Free and Compulsory Education Act, 2009 came into force, from 01.04.2010, the Central Government directed the State Government to rationalise the urban-rural imbalance in Teacher placement and to recruit new Teachers to fill the vacant posts as per Teacher - Pupil, ratio stipulated in the schedule.

8.As per the schedule, for classes I to V, upto sixty students, the number of Teachers sanctioned is two. For Classes VI to VIII,

(1)Atleast, one Teacher per class so that, there shall be atleast one Teacher each for (i)science and mathematics (ii) social science (iii) languages;

(2)Atlesat one teacher for every thirty five children and

(3)When the admission of children is above 100:

Pupil - Teacher ratio (excluding Head Master) shall not exceed 40.



The present student strength for the academic year 2019-2020 is 31 in standards I to V and 79 in standards VII to VIII.

9. In view of the above direction, the State Government has undertaken survey and also passed G.O.Ms.No.231 School Education (C2) Department dated 11.08.2010. As per this Government Order, every year, the School Education Department conduct survey and deploy the excess teachers to needy schools.

10. This Court finds that even after the retirement of the Tailoring Teacher, there are three posts still in excess in the petitioner school. Particularly, when the student strength of the petitioner school in standards VI to VIII is only 79, for the present year 2019-2020, the petitioner Institute is not even eligible to have a part time Instructor for work education. Therefore, for the reasons stated above, the writ petition is liable to be dismissed.

11. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The Block Educational Officer Incharge,
Olakur @ Saram Village,
Tindivanam Taluk,
Villupuram District.

3. The District Elementary Educational Officer,
Villupuram District.

+lcc to Mrs.A.L.Gandhimathi, Advocate sr.60442
+lcc to Government Pleader sr.60749

W.P.No.9605 of 2019

gp(co)
nr 20/08/2019