



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.15214 of 2011
and
M.P.(MD)No.1 of 2012

P.Muniammal

... Petitioner

-Vs-

1. The Director of Elementary Education,
College Road, Chennai-600 006.
2. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
3. The Assistant Elementary Educational Officer,
Melaneelithanallur Panchayat Union,
Melaneelithanallur, Sankarankovil Taluk,
Tirunelveli District.

4.Christina Rosathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 3, from closing existing vacancy of the Secondary Grade Teacher post caused by the death of Secondary Grade Teacher Sugumari in the petitioner's school, who died on 14.06.2011, without observing the average pupil strength as contemplated in law but believing the fourth respondent's visit report, made on 15.09.2011.

For Petitioner : Mr.F.X.Eugene

For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is to forbear the respondents 1 and 3 from closing existing vacancy of Secondary Grade Teacher caused on account of death of one Sugumari in the writ petitioner's school, who died on 14.06.2011, without observing the average pupil strength as contemplated in law but believing the fourth respondent's visit report, made on 15.09.2011.



2.However, the present Writ Petition was filed in the year 2011. Staff strength as well as non-teaching staff strength are to be sanctioned based on the inspection report of the competent educational authorities. Every year, such an inspection is conducted by the competent authorities for the purpose of fixation of staff strength in a particular school. Thus, the status provided in the present Writ Petition, which was of the year 2011, cannot be considered for the purpose of ascertaining the current staff strength of the school concerned.

3.Under these circumstances the respondents 1 to 3 are directed to ascertain the current staff strength, which is to be fixed based on the inspection report and accordingly, fix the staff strength and permit the writ petitioner's school to function with reference to the provisions of the Tamil Nadu Private School Regulation Act, 1973 and as per the Government Orders in force.

4.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director of Elementary Education,
College Road, Chennai-600 006.
2. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
3. The Assistant Elementary Educational Officer,
Melaneelithanallur Panchayat Union,
Melaneelithanallur, Sankarankovil Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-78199[F] dated 29/07/2019)

+1 CC to M/s.F.X.EUGENE, Advocate (SR-78252[F] dated 29/07/2019)

W.P. (MD) No.15214 of 2011
26.07.2019

Myr

JMN (08.08.2019) 2P : 6C

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