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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :22.03.2019

CORAM:
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP (MD) No.2367 of 2018
and
WMP (MD) Nos.2569 and 2570 of 2019

The Correspondent
RC Middle School,
Mokkaiyur - 623 120,
Ramanathapuram District.

... Petitioner

Vs.

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

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

3.The Additional Assistant Elementary Educational Officer,
Kadaladi - 623 703,
Ramanathapuram.

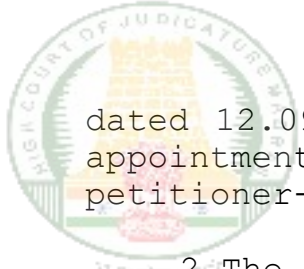
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent Assistant Elementary Education officer in A.Thi.Mu.No.971/a3/2017 dated 05.09.2017 and the subsequent impugned staff fixation issued by the District Elementary Educational Officer for the Academic year 2016 - 2017 signed on 12.09.2017 holding one post of Secondary Grade Teacher and single post of Sewing Mistress as surplus, quash the same and further direct the 2nd respondent District Elementary Educational Officer to approve forthwith the appointment of S.Prema as Secondary Grade School Teacher in the Petitioner's School namely, RC Primary School, Mokkaiyur with effect from 22.06.2016 and disburse the grant in aid towards her salary and other attendant benefits.

For Petitioner	: Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For Respondents	: Mrs.S.Srimathy, Special Government Pleader

ORDER

The prayer made in this writ petition is to quash the impugned proceedings of the third respondent dated 05.09.2017 and the subsequent impugned staff fixation issued by the second respondent



dated 12.09.2017 and further direct the respondents to approve the appointment of one S.Prema as Secondary Grade Teacher in the petitioner-school with effect from 22.06.2016.

2.The learned Counsel for the petitioner submitted that the issue involved in this writ petition has already been settled by this Court by order dated 01.11.2017 in WP(MD)No.4896 of 2017, in the case of TDTA Primary and Middle Schools Vs. The Secretary to the Government and others, the relevant portions whereof read thus:

"5.The issue involved in this case is no more res-integra in view of the *Full Bench Decision in the case of the Director of Elementary Education, Chennai-6 and others V. S.Vigila* reported in 2006(5) CTC 385, wherein the relevant G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997 was considered in detail and it has been observed at Para No.23 as follows:

'23.Keeping in view the various relevant aspects, we feel that G.O.Ms.No.525, dated 29.12.1997 should be interpreted in the following manner:

(1)The ratio of students-teacher strength as indicated in the G.O. Should be primarily considered by taking each individual standard/section as a unit.

(2)The minimum strength of teachers required obviously should not fall below the number of standards/Section in a school. In other words, if there are five standards, obviously the minimum number of teachers should be five, out of which one would be the Headmaster.

(3)If the students' strength in a particular Standard exceeds 60, at that stage, an additional section is required to be created requiring the sanction of a second teacher and the strength reaches 100, the post of a third teacher is required.

(4)Even after maintaining the aforesaid ratio by taking into account the students' strength of each individual standard and additional section, as the case may be, by keeping in view the teacher-students ratio 1:40 of the entire school if the teachers strength is required to be increased, the same has to be allowed, but in no case, the teachers' strength should be less than the number of standards including the additional



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sections. If more teachers are thus sanctioned keeping in view the over all strength of the school, the authorities of the school should create additional section in respect of any particular Standard according to the need and convenience keeping in view the standard of education. This requirement is not only in respect of Aided Schools or Government Schools, but also in respect of any Private Recognized School. In other words, this ratio is to be maintained for any school which requires recognition.

(5) It would be obviously open to the Government to formulate appropriate norms in consonance with the above observation and provisions of the Constitution. ''

6. Therefore, the respondents have to fix the staff strength only in accordance with the norms prescribed in the above said decision of the Full Bench for the Academic years 2014-2015 and 2015-2016."

Hence, the learned Counsel prayed for a similar direction in this writ petition also.

3. The learned Special Government Pleader appearing for the respondents has no serious objection in granting such relief to the petitioner.

4. Considering the facts and circumstances of the case and having regard to the submissions made on either side and also taking into account the decision of the Full Bench (cited supra) the impugned orders are set aside and the matter is remitted back to the respondents for considering the staff fixation of the Petitioner-school afresh, in the light of the order passed by the Full Bench reported in 2006(5) CTC 385 (cited supra). Such an exercise shall be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of, on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //



To

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Chennai - 600 006.

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3.The Additional Assistant Elementary Educational Officer,
Kadaladi - 623 703, Ramanathapuram.

+1 CC to SPL GP SR-56243.

+1 CC to M/s.ISAAC CHAMBERS, Advocate SR-56232.

ORDER MADE IN
WP (MD) No.2367 of 2018
22.03.2019

CS: (07/06/2019) 4P 6C