



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN****WP(MD)No.5578 of 2018**

The Correspondent,
St.Charles Middle School,
Subbiah Muthaliarpuram,
Tuticorin - 628 003.

... Petitioner

Vs.

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

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

3.The Additional Assistant Elementary Educational Officer,
Tuticorin (Town),
Tuticorin District.

... 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 impugned staff-Fixation fixed by the 2nd respondent herein for the academic year 2015-2016 vide proceedings nil dated 24.02.2016 and the subsequent impugned Staff -Fixation fixed by the 2nd respondent herein for the academic year 2016-2017 vide proceedings nil dated 15.03.2017 and quash the same and further direct the respondents herein to re-fix the staff fixation of the petitioners school and consequently approve the appointment of M.G.Regina as BT Assistant(Science) in the petitioner school w.e.f 21/07/2017

For Petitioner

: Mr.A.Ajith Geethan

For Respondents

: Mrs.S.Srimathy,

Special Government Pleader

ORDER

The prayer made in this writ petition is to quash the impugned staff fixation fixed by the 2nd respondent for the academic year 2015-2016 vide proceedings dated 24.02.2016 and the subsequent proceedings issued by the 2nd respondent dated 15.03.2017 and further direct the respondents to approve the appointment of one M.G.Regina, as B.T.Assistant (Science) with effect from 21.07.2017.



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 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.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

DSK



To

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

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

3.The Additional Assistant Elementary Educational Officer,
Tuticorin (Town),
Tuticorin District.

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ORDER MADE IN
WP (MD) No.5578 of 2018
12.03.2019

CS: (06/06/2019) 4P 5C