

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.04.2019

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**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**W.P(MD)No.8010 of 2019**  
**and W.M.P(MD)Nos.6315 & 6316 of 2019**

The Correspondent,  
St. Joseph's Primary School,  
Kottapully - 627 127,  
Tirunelveli District.

... Petitioner

Vs.

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

2.The District Educational Officer,  
Valliyoor - 627 117,  
Tirunelveli District.

3.The Block Development Officer,  
Valliyoor Block, Valliyoor,  
Tirunelveli District - 627 117.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned staff fixation settled by the second respondent/District Elementary Educational Officer for the academic year 2016-2017 dated 20.03.2017, quash the same insofar as it renders one post of Secondary Grade teacher in the petitioner-school as surplus is concerned and further direct the second respondent/District Educational Officer to approve forthwith the appointment of Tmt.I.Amala Mary as Secondary Grade Teacher with effect from 15.12.2017 and disburse the grant-in-aid towards her salary and allowances.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mrs.S.Srimathy,  
Special Government Pleader.

**ORDER**

This writ petition has been filed to quash the impugned staff



fixation settled by the second respondent/District Elementary Educational Officer for the academic year 2016-2017 dated 20.03.2017, insofar as it renders one post of Secondary Grade teacher in the petitioner-school as surplus is concerned and further direct the second respondent/District Educational Officer to approve forthwith the appointment of Tmt.I.Amala Mary as Secondary Grade Teacher with effect from 15.12.2017 and disburse the grant-in-aid towards her salary and allowances.

2.However, when the matter was taken up for consideration, the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents jointly submitted that the issue involved herein is covered by a decision rendered by the Full Bench of this Court in **Director of Elementary Education, Chennai - 6 and others Vs. S.Vigila [2006 (5) CTC 385]**, wherein, G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997 has been 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/selection as a unit.

(2) The minimum strength of teachers required obviously should not fall below the numbers 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 of 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 recognised 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."

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3. Following the same, the impugned order, dated 20.03.2017 passed by the second respondent is set aside and the matter is remitted back to the second respondent for fresh consideration in the light of the Full Bench decision cited supra. Such an exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

4. This Writ Petition is allowed to the extent as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ( )

// True Copy //

Sub Assistant Registrar (CS)

To

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

2. The District Educational Officer,  
Valliyoor - 627 117,  
Tirunelveli District.

3. The Block Development Officer,  
Valliyoor Block, Valliyoor,  
Tirunelveli District - 627 117.

+1 CC to M/s. ISAAC CHAMBERS, Advocate ( SR-64547[F] dated 30/04/2019 )

+1 CC to M/s. SPL GP ( SR-65036[F] dated 02/05/2019 )

ps

**W.P (MD) No. 8010 of 2019**  
**29.04.2019**

KM/ (24.05.2019) 3P 6C