



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10828 of 2015

and

M.P. (MD) Nos.2 & 3 of 2015

and

W.M.P. (MD) No.17464 of 2017

E.Mary Sugirtham

... Petitioner

vs.

1.The District Elementary Education Officer
Tirunelveli District, Tirunelveli

2.The Assistant Elementary Educational Officer
Valliyoor, Tirunelveli District

3.The Correspondent
Holy Cross Middle School
Valliyoor, Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the impugned order passed by the 1st respondent herein in his proceedings in மு.மு.எண்.1059/ஆ4/2015 நாள் 06.05.2015 and quash the same and further direct the 1st respondent herein to approve the petitioner's appointment dated 15.04.2008 and release the grant for salary from the date of the petitioner's appointment within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mrs.S.Srimathi

Special Government Pleader for R1 & R2

Mr.G.Mohan Kumar for R3

ORDER

The order passed by the first respondent, dated 06.05.2015, declaring the writ petitioner as a surplus Teacher is sought to be quashed in the present writ petition.



2. The writ petitioner was appointed as a Secondary Grade Teacher on 11.04.2008, in third respondent School, in the vacancy created on account of the retirement of Mrs.Subbammal on 31.03.2008. The post in which, the writ petitioner was appointed, is a sanctioned post,.

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3. The grievance of the writ petitioner is that she was erroneously declared as a surplus Teacher, despite the fact that the staff strength was available during the relevant academic year.

4. The said position was disputed by the learned Special Government Pleader appearing for the respondents 1 and 2. The authorities competent are treating the Teachers as surplus only based on the inspection report submitted during the particular academic year and taking steps to ascertain the students strength in a particular school and accordingly, grants staff strength based on the Students and Teachers ratio. This being the policy of the Government in order to save the financial interest of the State, this Court is of the opinion that the Teacher cannot be allowed to draw salary in a School, where there is no adequate students strength. If at all sufficient students strength is available and staff sanctioning was granted, then the Teacher can be allowed to continue in the particular School. Thus, the continuance of a Teacher in a particular School must be based on the inspection report of the competent educational authorities.

5. Already four years lapsed from the date of passing of the impugned order. Under these circumstances, the respondents are directed to consider the current academic year's inspection report and accordingly, reconsider the case of writ petitioner strictly in accordance with the terms and conditions of the Government Orders in force and pass appropriate orders as expeditiously as possible.

6. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

krk

To:

1.The District Elementary Education Officer,
Tirunelveli District,
Tirunelveli.

2.The Assistant Elementary Educational Officer,
Valliyoor, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-70459[F] dated 21/06/2019)

+1 CC to M/s.D.NALLATHAMBI, Advocate
(SR-70557[F] dated 21/06/2019)

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ES/27.06.2019/4P/5C