



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **22.03.2019**

CORAM:

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

WEB COPY

WP (MD) No.17755 of 2018

and

WMP (MD) No.15646 of 2018

The Correspondent,
St.Joseph's Primary School,
Adaikalapuram,
Tuticorin District - 628 217

... Petitioner

Vs.

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

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

3.The Block Educational Officer,
Tiruchendur Union,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus, a Writ of Certiorarified Mandamus calling for the records relating to impugned staff-fixation fixed by the 1st respondent herein for the academic year 2017-2018 vide proceedings Nil dated Nil, quash the same and further direct the 2nd respondent herein to re-fix the staff-fixation for the academic year 2017-2018 of the petitioners school and consequently approve the appointment of Sr. A.Arul Punitha as Secondary Grade Teacher in the petitioner school w.e.f., 27.03.2018.

For Petitioner
For Respondents

: Mr.A.Ajith Geethan
: Mrs.S.Srimathy,
Special Government Pleader

ORDER

This writ petition has been filed seeking a Writ of certiorarified mandamus, calling for the records relating to impugned staff-fixation fixed by the 1st respondent herein for the academic year 2017-2018 vide proceedings Nil dated Nil, quash the same and further direct the 2nd respondent herein to re-fix the staff-fixation for the academic year 2017-2018 of the petitioner's school and consequently approve the appointment of Sr. A.Arul Punitha as Secondary Grade Teacher in the petitioner school w.e.f., 27.03.2018.



2.It is the case of the petitioner that the petitioner's School is a recognised Government Minority Educational Institution, wherein the post of Secondary Grade Teacher in the school fell vacant on 14.02.2018 due to death of previous incumbent. In that vacant place, one A.Arul Punitha was appointed as a Secondary Grade Teacher with effect from 27.03.2018. While the fixation of staff for the academic year 2017-2018, the 1st respondent has shown the total strength as 51 and rendered 2 posts as surplus viz, one post with teacher and one post without teacher. However, no orders have been passed by the respondents on the proposal submitted by the petitioner school. Hence, the petitioner, challenging the staff fixation, is before this Court.

3.The learned Counsel appearing for the petitioner submitted that the approval sought for is only for the sanctioned staff strength and therefore, there is no surplus in the School. The learned Counsel also submitted that a Division Bench of this Court has dealt with the very same issue in 2018 (1) writ L.R. 421[The Director of Elementary Education and others Vs. the Correspondent, St.Joseph's RC Primary School, Palakurichy- 621 308, Tiruchirappalli Distrit]

4.The learned Counsel for the petitioner further submitted that as per Government Order in GO(Ms) No.525, School Education (D1) Department, dated 29.12.1997, it is only for the Director of Elementary Education to redeploy the staff from one school to another.

5.In such view of the matter, the Government Authorities are directed to grant approval at the earliest. As and when approval is granted and deployment order is passed considering the surplus strength, such deployment order is to be given forthwith by the Management with immediate effect.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

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

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

3.The Block Educational Officer,
Tiruchendur Union,
Tuticorin District.

+1 CC to M/s.A.AJITHI GEETHAN, Advocate (SR-56180[F] dated
25/03/2019)

+1 CC to M/s.SPL GP (SR-56255[F] dated 25/03/2019)

DSK

ORDER MADE IN

WP (MD) No.17755 of 2018

22.03.2019

KM/ (07.06.2019) 3P 6C