



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED :12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.3633 of 2017

WEB COPY

The Correspondent  
St.Josephs Girls Primary School,  
Sokkankudiyiruppu - 628 653,  
Tuticorin District.

... Petitioner

Vs.

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

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

3.The Assistant Elementary Educational Officer,  
Sattankulam, 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 the impugned staff fixation fixed by the 2<sup>nd</sup> respondent herein for the academic year 2015-2016 vide proceedings No. Nil dated 24.02.2016 and subsequent impugned proceedings issued by the 3<sup>rd</sup> respondent herein vide A.Thi.Mu.No. 28/A1/2017 dated 27.01.2017, quash the same and further direct the respondents herein to approve the appointment of S.Stella as Secondary Grade Teacher in the petitioner-school w.e.f., 09.01.2017.

|                 |                                                 |
|-----------------|-------------------------------------------------|
| For Petitioner  | : Mr.A.Ajith Geethan                            |
| For Respondents | : Mrs.S.Srimathy,<br>Special Government Pleader |

### ORDER

The prayer made in this writ petition is to quash the impugned staff fixation fixed by the 2<sup>nd</sup> respondent for the academic year 2015-2016 vide proceedings dated 24.02.2016 and the subsequent proceedings issued by the 3<sup>rd</sup> respondent dated 27.01.2017 and further direct the respondents to approve the appointment of one S.Stella as Secondary Grade Teacher in the petitioner-school with effect from 09.01.2017.

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

To

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

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

3. The Assistant Elementary Educational Officer,  
Sattankulam, Tuticorin District.

+1 CC to M/s.SPL GP ( SR-53636[F] dated 13/03/2019 )

**WP (MD) No. 3633 of 2017**

SP/02/05/2019/3P/5C

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