



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.24698 of 2016
and
W.M.P.(MD)No.17803 of 2016

The Correspondent,
St. Antony's Higher Secondary School,
Pazhaiyakayal,
Tuticorin District - 628 152.

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tuticorin, Tuticorin District.
- 4.The District Educational Officer,
Tuticorin,
Tuticorin District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned Staff-Fixation fixed by the third respondent herein for the academic year 2015-2016 vide proceedings in Moo.Moo.No.6306/Aa3/2015, dated 14.12.2015 and consequently impugned proceedings issued by the fourth respondent herein in Na.Ka.No.715/Aa1/16, dated 24.10.2016, quash the same and further direct the third respondent herein to re-fix the staff strength of the petitioner school as per G.O.(Ms).No.525, School Education (D1) Department, dated 29.12.1997 and consequently directing the fourth respondent herein to approve the appointment of Tmt.Britto Caroline as BT Assistant (Maths) in the petitioner school w.e.f., 12.06.2014 with salary and other attendant benefits within reasonable time as may be fixed.



For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

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ORDER

This Writ Petition is filed seeking to quash the proceedings of the third respondent in Moo.Moo.No.6306/Aa3/2015, dated 14.12.2015 and the consequential impugned proceedings issued by the fourth respondent herein in Na.Ka.No.715/Aa1/16, dated 24.10.2016 and to direct the third respondent herein to re-fix the staff strength of the petitioner school as per G.O.(Ms).No.525, School Education (D1) Department, dated 29.12.1997 and consequently direct the fourth respondent herein to approve the appointment of Tmt.Britto Caroline as BT Assistant (Maths) in the petitioner school w.e.f., 12.06.2014 with salary and other attendant benefits within a reasonable time as may be fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3.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.

<https://hcservices.ecourts.gov.in/hcservices/>
(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.

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(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."

4. The learned Counsel for the petitioner prayed for a similar direction in this writ petition is also and the learned Special Government Pleader appearing for the respondents has no serious objection towards the same.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Considering 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 third and fourth 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 third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of on the above terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tuticorin, Tuticorin District.
- 4.The District Educational Officer,
Tuticorin,
Tuticorin District.

+1cc to Mr.A.Ajith Geethaiyan, Advocate, SR.No. 56181

+1cc to M/s.Special Government Pleader, SR.No. 56246

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and

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