



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) .No.158 of 2014

and

MP (MD) No.1 of 2014

Salvation Army Higher Secondary School,
Rep. by its Correspondent,
Mr.T.Alfred,
Vetturnimadam,
Nagercoil,
Kanyakumari District.

... Petitioner

-Vs-

1.The Joint Director of School Education,
(Personnel), College Road,
Chennai-6.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District,

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

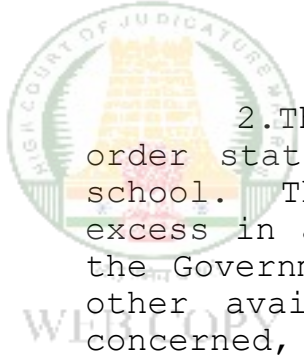
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent in his Proceedings Mu.Mu.No.7746/A1/2012, dated 30.01.2013 in so far as determining the teachers' strength for the Standards VI to VIII for the academic year 2012-2013 and quash the same as illegal and consequentially to direct the 2nd respondent to sanction two more posts of Secondary Grade Teachers for Standards VI to VIII in the light of Full Bench Judgement of this Court in District Elementary Educational Officer Vs. Tmt.S.Vigila reported in 2007 (6) MLJ 199 within the period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkateshkumar for M/s.Ajmal Associates
For Respondents	: Mrs.S.Srimathy Special Government Pleader

ORDER

The order dated 31.01.2013, declaring the writ petitioner as a surplus teacher and to depute her to some other school, is under challenge in the present writ petition.



2. The writ petitioner/school management challenging the said order stating that no surplus teacher should be deputed to other school. This Court is of the opinion that the teachers working in excess in a particular school are to be declared as surplus as per the Government orders in force and they can be accommodated in any other available vacancy. In respect of the fixation of staff concerned, the school management cannot have any grievances. In view of the fact that the staff concerned is fixed based on the strength in a particular school. The Government formulated a policy by stating that students, teachers ratio is to be maintained by an aided school across the State of Tamil Nadu. Thus, the authorities competent have to conduct inspections for the purpose of fixing the staff strength in a particular school. The students, staffs ratio is to be strictly adhered to as per the Government policy which is in force. Thus, the writ petitioner/management cannot claim that all the teachers appointed by the writ petitioner/management must be allowed to working in the same school. Once the appointment is approved the State is paying the salary to these teachers and in the tax payers money is paid without extracting any work, the State has to initiate all actions to ensure that the teachers are posted in any available vacancy and accordingly, the salary is paid. This being the principles to be followed the current inspections report with reference to the writ petitioner school is to be considered by the competent authorities and accordingly initiate all further actions as per the Government staff concerned fixed and if any excess teacher is working redeploy them in a school where vacancy is available. In this regard, the respondents are bound to verify the current inspections report and to take all further and consequential actions as per the Government orders and the rules in force.

3. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Joint Director of School Education,
(Personnel), College Road,
Chennai-6.

2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3. The District Educational Officer,
Nagercoil, Kanyakumari District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-80892[F] dated
09/08/2019)

+1 CC to SPL GP (SR-81196[F] dated 09/08/2019)

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sjj

MK (29.08.2019) 3P 6C