



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.18949 of 2015

and

M.P.[MD]No.1 & 2 of 2015

The Secretary,
Ganesamoorthy Middle School,
Keezhaveeraragavapuram,
Mepalayam,
Palayamkottai (City) Circle,
Tirunelveli District - 627 005.

... Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort Saint George,
Chennai - 9.

2.The Director of Elementary Education,
College Road,
Chennai - 6.

3.The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The Assistant Elementary Educational Officer,
Palayamkottai Urban,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order dated 22.09.2015 passed in Na.Ka.No.135/A1/2013 on the file of the third respondent as well as the staff fixation proceedings relating to the petitioner school for the academic year 2014-2015 on the file of the third respondent dated 06.03.2015 and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.S.Srimathy
Special Government Pleader



O R D E R

The order of treating the writ petitioner as surplus Teacher and redeployment based on the Government orders is under challenge in the present writ petition. The writ petitioner is the Secretary of Ganesamoorthy Middle School. The school management challenged the order dated 22.09.2015, treating the teacher Smt.Visalatchi, as surplus and redeploying the said Teacher to another primary school namely Sengunthar Primary School, Tirunelveli is questioned.

2.The student teacher ratio and the staff strength are to be fixed by the competent educational authority by conducting annual inspections. Based on the annual inspections conducted by the educational authorities, the teachers were declared as surplus and they were redeployed to other schools wherever the vacancy arises. Such actions were initiated pursuant to the Government Policy maintaining the student teacher ration. For example, if there are no students in a particular school, the teacher cannot be allowed to continue. In the event of such continuance, the same will cause loss to the State exchequer. The teachers who all are working in a school where there are no adequate students were declared as surplus and redeployed in another school where there is vacancy.

3.This being the policy of the Government, mere treating of teachers as surplus cannot be questioned. However, the impugned order was passed in the year 2015 and every year inspections are conducted by the competent authorities. Thus, as per the current academic year, inspection report all suitable actions are to be initiated for redeployment or otherwise with reference to the Government orders in force.

4.The students teachers ratio is to be maintained strictly in accordance with the Government policy and the authorities competent are bound to ensure that the financial aspects of the State are also projected. This being the factum, the respondents are directed to proceed with reference to the current inspection report and take all further actions in accordance with the rules and the Government orders in force.

5.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



To

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+1 CC to M/s.SPL GP (SR-78835[F] dated 31/07/2019)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-78808[F] dated 31/07/2019)

W.P[MD]No.18949 of 2015

30.07.2019

MR

JMN(20.08.2019) 3P : 7C