



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.11278 of 2013

and

M.P. (MD) Nos.2 and 3 of 2013

The Correspondent
RC Primary School
Palanganatham
Madurai- 625 030,
Madurai District.

... Petitioner

Vs

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

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

3.The Assistant Elementary Educational Officer,
Thiruparankundram Range at Thirunagar,
Madurai District - 625 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent District Elementary Educational Officer dated 15.03.2012 (settling the Staff Fixation for the petitioner-school for the year 2011-2012) holding one post of Secondary Grade teacher as surplus and the consequential proceedings in Na.Ka.No.2544/Aa2/2011 dated 05.09.2012, quash the same and further direct the second respondent District Elementary Educational Officer to approve the appointment of S.Antony Nallathambi as Secondary Grade Teacher with effect from 01.08.2011 and disburse grant-in-aid towards his salary includes all monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

For Respondent : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the staff fixation order issued by the second respondent in proceedings dated 15.03.2012, during the academic year 2011-2012 in respect of the post of Secondary Grade Teacher.



2.The learned counsel appearing for the petitioner states that adequate number of student strength was available during the relevant academic year. The teacher appointed in the post of Secondary Grade Teacher by the writ petitioner was not approved by the competent authority. However, the learned counsel for the writ petitioner fairly made a submission that the teacher appointed during the year 2011-2012 left the school. Thus, the question of grant of approval to that teacher does not arise at all.

3.As far as the fixation of staff strength is concerned, every year inspections are to be conducted by the competent authorities and based on the students strength in the academic year, the staff fixation order is to be issued by the competent authority. If at all the surplus teachers are working in an aided school, they all are to be accommodated in the other available vacancies in accordance with the provisions of Private School Regulations Act and Guidelines issued by the Government in this regard.

4.These are the procedures to be followed, the very order passed by the second respondent in respect of the academic year 2011-2012 may not have much relevance after a lapse of about eight years from the date of passing of the impugned order.

5.Under these circumstances, the respondents are directed to consider the current staff strength based on the inspection report and accordingly sanction the staff strength in accordance with the Government orders and the provisions of the statute.

6.With these observations, this writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Director of Elementary Education,
College Road, Chennai- 600 006.
- 2.The District Elementary Educational Officer,
Madurai, Madurai District.



3.The Assistant Elementary Educational Officer,
Thiruparankundram Range at Thirunagar,
Madurai District - 625 006.

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+1CC TO MR.ISAAC CHAMBERS, Advocate Sr. No.66983

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 67051

W.P. (MD) No.11278 of 2013

and

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BP (CO)

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