



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A(MD)No.1151 of 2019

and

C.M.P(MD)No.10236 of 2019

WEB COPY

1.Abraham Memorial Higher Secondary School,
Maruthancode,
Kanyakumari District - 629 163,
represented by its Correspondent,

2.P.M.Sheeba

.. Appellants/ Petitioners

Vs.

1.The Stat of Tamil Nadu,
represented by its Secretary,
Department of Education,
Fort St George,
Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer of
Kanyakumari District at Nagercoil,
Kanyakumari District.

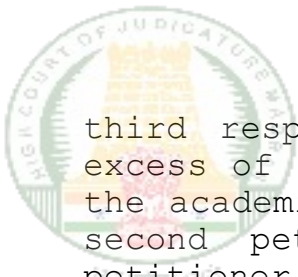
4.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District.

.. Respondents / Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent, to set aside order dated 19.08.2019 passed in W.P(MD)No.2384 of 2016, on the file of this Court.

Prayer in WP(MD). 2384/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certioraraified Mandamus, calling for the records of the 3rd respondent, pertaining to his order in proceedings in Moo.Mu.No.6911/Aa2/2011 dated 8.9.2011 on his file and the consequential order of the 4th respondent in O.Mu.No.6664/A2/2013 dated 22.10.2013 on his file, quash the said order of the 3rd respondent in so far as the same states that there is an excess of five secondary grade teachers in the 1st petitioner-school and the said consequential order of the fourth respondent directing the



third respondent to pass orders to the effect that there is no excess of Secondary Grade Teacher in the first petitioner_school in the academic year 2011-12, and the fourth respondent to approve the second petitioner's appointment as B.T.Assistant in the first petitioner_school with effect from the forenoon of 15.06.2011 by order No.N111/2011-12, dated 15.06.2011 of the first petitioner and directing the respondents to give to the second petitioner salary and all other benefits as such

For Appellants : Mr.Mohamed Imran
for M/s Ajmal Associates
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**]

The writ appeal has been filed as against dismissal of the writ petition, which was filed challenging the order passed by the 3rd respondent, rejecting the approval of the appointment of the Teachers in the 1st appellant's school. The writ petition was dismissed by the learned Single Judge, holding that there are surplus Teachers in the 1st appellant's School and moreover, English medium section is not aided section and the Teachers, working in the English medium section cannot be considered for the purpose of Students-Teachers ratio.

2.Heard Mr.Mohamed Imran, learned Counsel appearing for the appellants and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3.It is evident from the records that the 1st appellant's school was a minority school till 10.09.2013 and thereafter, the school was treated as non-minority school, after it was found that there were surplus Teachers in the said school, during the inspection made by the Chief Educational Officer in the year 2012-2013. According to the learned Counsel for the appellants, there were no surplus Teachers in the 1st appellant's school and the English medium section also has to be taken into consideration for deciding the Students-Teachers ratio. However, the learned Single Judge has rightly rejected such a contention stating that the English medium cannot be considered, since English medium is not aided by the Government and it is only a self financing section started by the school management.

4.Though the learned Counsel appearing for the appellants would submit that there is already a judgment of a learned Single Judge of this Court granting permission to start English medium and to consider both medium sections separately and they cannot be



merged for fixing staff strength, Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents would contend that staff strength for Tamil medium section should be in consonance with the Students strength in Tamil medium and the staff strength for English medium should be in consonance with the Students strength in English medium and both the same cannot be clubbed. This Court finds some force in the submission of the learned Special Government Pleader, appearing for the respondents.

5.It is further brought to the notice of this Court that the 1st appellant school has already sustained a dismissal order, in a similar writ appeal in W.A(MD)No.12723 of 2019 and even though it is stated that against the dismissal order, review application is filed and pending before this Court, so far, the dismissal order has not been set aside and in the said writ appeal also, a similar issue was raised and the contention of the appellants was negatived.

6.In view of the above, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

dsk

To

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

+1CC to M/s.Ajmal Associates,Sr.No.26315 dated 18/12/2020

W.A(MD)No.1151 of 2019
17.12.2020

MJ(CO)

KB(07.01.2021) 3P 6C

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