



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WP.NO.11067 OF 2015

AND

MP.NO.1 OF 2015

Kannada Sangha Higher Secondary School
No.3, United India Nagar,
Auanavaram,
Chennai - 600 023.

Rep. by its Correspondent

...

Petitioner

Vs.

1. The Director of School Education
College Road, Chennai.

2. The Chief Educational Officer
Panagal Building
Saidapet, Chennai - 600 015.

3. The District Educational Officer
Chennai (North).

...

Respondents

PRAYER:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned proceedings issued by the 2nd respondent - The Chief Educational Officer, Chennai, in Mu.Mu.No. 7364/A2/2014 dated 09.10.2014 withdrawing two posts (one Secondary Grade and one B.T. Assistant) from the petitioner School, quash the same and further direct the 2nd respondent to sanction 11 Secondary Grade Posts and 7 B.T. Assistants to the petitioner School as per G.O.Ms.No.525, Education Department, dated 29.12.1997.

For Petitioner : Mr.S.Giridharan

For Respondents: Mr.C.Selvaraj
Government Advocate



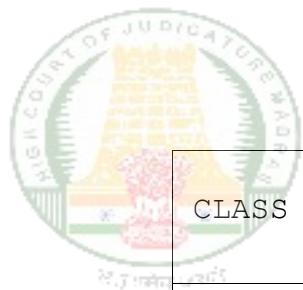
O R D E R

The petitioner is a Linguistic Minority Aided School. They have a student strength of 382 for Standards VI to VIII and 272 for Standards IX and X. They are entitled to 11 Secondary Grade Teachers, 7 B.T. Assistants and 3 Language Teachers as there are 18 Sections to these Classes VI to X. However, the second respondent in Proceedings Mu.Mu.No.7364/A2/2014 dated 09.10.2014 had withdrawn the two posts of Teachers viz., one Secondary Grade Teacher and one B.T. Assistant. Aggrieved over the same, the petitioner has approached this Court.

2. According to the learned counsel for the petitioner, the posts were said to have been withdrawn in compliance with G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997. As per G.O.Ms.No.525, these schools are entitled to the Teachers corresponding to the student strength. As per the said Government Order, in Elementary Schools, a Teacher - Pupil ratio of 1:40 should be followed. Minimum of two Secondary Grade Teachers upto a strength of 80 will be sanctioned. For every additional strength of 40, one post of Secondary Grade Teacher will be sanctioned i.e., the third post at 100, the fourth post at 140 and the fifth post at 180 and so on. Likewise, the Middle Schools and High Schools also, the students strength of 1:40 ratio has to be followed and in High Schools, one Headmaster and two B.T. Assistants are given for the students strength upto 50. In this manner, if it is calculated, the petitioner is entitled to more number of Teachers, whereas, the second respondent has arbitrarily withdrawn two posts.

3. The learned Government Advocate produced the files relating to the School, wherein, it is noted that the students strength were extracted as follows:-

CLASS	2012-2013			2013-2014			2014-2015			2015-2016		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
VI A	36	24	60	29	23	52	29	22	51	25	25	50
VI B	35	23	58	27	24	51	29	22	51	23	27	50
VI C	8	1	9	8	3	11	8	3	11	6	3	9
VII A	35	24	59	38	21	59	27	22	49	31	19	50
VII V	27	33	60	34	24	58	28	22	50	30	19	49
VII C	11	6	17	10	2	12	9	3	12	7	3	10
VIII A	30	23	53	29	27	56	35	20	55	27	21	48
VIII B	28	23	51	30	28	58	34	21	55	27	22	49



WEB COPY

CLASS	2012-2013			2013-2014			2014-2015			2015-2016		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
VIII C	17	11	28	13	11	24	10	2	12	8	3	11
IX A	34	23	57	31	23	54	30	27	57	34	18	52
IX B	34	24	58	33	23	56	29	26	55	31	21	52
IX C	17	5	22	29	12	41	13	12	25	12	2	14
X A	31	21	52	27	23	50	32	22	54	27	24	51
X B	35	21	56	26	24	50	30	23	53	29	26	55
X C	14	9	23	15	6	21	28	11	39	13	10	23
	392	271	663	379	274	653	371	258	629	330	243	573

CLASS	2016-2017			2017-2018			2018-2019		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
VI A	23	25	48	32	16	48	22	15	37
VI B	21	26	47	34	14	48	21	15	36
VI C	5	6	11	6	3	9	6	3	9
VII A	26	24	50	22	27	49	30	16	46
VII V	25	25	50	21	26	47	32	15	47
VII C	10	3	13	8	6	14	7	4	11
VIII A	30	20	50	26	23	49	21	27	48
VIII B	32	17	49	25	26	51	22	24	46
VIII C	12	3	15	13	4	17	9	7	16
IX A	27	19	46	26	21	47	28	23	51
IX B	27	22	49	28	16	44	24	27	51
IX C	8	4	12	14	3	17	13	2	15
X A	32	17	49	27	20	47	26	21	47
X B	29	19	48	23	21	44	28	17	45
X C	13	2	15	7	5	12	14	3	17
	320	232	552	312	231	543	303	219	522

CLASS	2019-2020			2020-2021		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
VI A	20	19	39	25	10	35



WEB COPY

CLASS	2019-2020			2020-2021		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
VI B	19	19	38	20	10	30
VI C	6	9	15	7	5	12
VII A	22	17	39	21	19	40
VII V	23	15	38	18	21	39
VII C	10	6	16	6	9	15
VIII A	32	15	47	24	18	42
VIII B	33	15	48	26	15	41
VIII C	8	6	14	9	6	15
IX A	21	29	50	34	15	49
IX B	25	24	49	34	15	49
IX C	12	9	21	10	7	17
X A	27	24	51	46	0	46
X B	26	26	52	0	53	53
X C	14	3	17	12	9	21
	298	236	534	292	212	504

4.As per the judgment of the Division Bench of the Madurai Bench of this Court, aid will be given only to the Schools, which conducts classes in Tamil Medium only. Further, when the petitioner / School was started, aid was granted on a condition that it will be granted only to Tamil Medium classes. Therefore, the petitioner is not entitled to the sanction of more number of posts and withdrawal of two posts ordered by the second respondent is correct and it does not require any interference.

5.In the considered opinion of this Court, the sanctioning of Teacher post is based on Teacher - Pupil ratio of 1:40 as specified in G.O.Ms.No.525. The above tabular column produced by the respondents the number of students ranging from 573-663 upto Class - X. For the year 2020-2021, the students strength is 504. On the basis of the students strength following the guidelines specified in G.O.Ms.No.525, the Teachers post should have been sanctioned. Even though the petitioner / school is entitled to more number of posts, it was not sanctioned, but two posts were withdrawn contrary to the guidelines given in the above said G.O.Ms.No.525. The respondents are not in a position to explain or clarify the reasons which lead to the impugned order. Further, when aid is granted, it shall be extended to all the courses irrespective of the medium. The respondents cannot discriminate on the basis of medium of language through which



the students are taught. The reasons stated by the respondents is not sustainable.

6.A Full Bench of this Court in DIRECTOR OF ELEMENTARY EDUCATION, CHENNAI AND OTHERS VS. S.VIGILA AND ANOTHER [2006 (5) CTC 385] has categorically observed as under:-

"(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.

(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.

(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 recognised 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."

Therefore, it is crystal clear that the Teachers - Students strength shall be in the ratio of 1:40 and whenever additional requirement to create posts that should be allowed by the respondents.

7. Recently, a Division Bench of the Madurai Bench of this Court in THE SECRETARY TO GOVERNMENT, GOVERNMENT OF TAMIL NADU, SCHOOL EDUCATION DEPARTMENT AND OTHERS VS. IRUTHAYA AMALI AND OTHERS [WA (MD) NOS.76 OF 2019 ETC., BATCH DECIDED ON 31.03.2021] has observed as under:

".....accordingly, the school shall be the unit and not the educational agency for fixing the staff strength, based on which, every year, staff strength based on the teacher-pupil ratio shall be fixed on or before a particular date by the Educational authorities followed by identification of excess teaching staff in every such school and once excess teaching staff are identified, those excess staff shall be redeployed to needy school under the same management or different managements, as the case may be. In this context, a strict time schedule shall be followed, both by the Education Department as well as the Institutions and its managements and there shall be no deviation of such compendium of schedule, which we propose to prescribe in this Order. "

8. In that view of the matter, the order passed by the second respondent is contrary to G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997 and therefore, the impugned proceedings issued by the second respondent in Mu.Mu.No.7364/A2/2014 dated 09.10.2014 is liable to be set aside and accordingly, the same is set aside. The respondents are directed to sanction appropriate number of Teachers corresponding to the students strength and the Teachers - Students ratio.

9. In fine, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK



To

1. The Director of School Education
College Road, Chennai.

2. The Chief Educational Officer
Panagal Building
Saidapet, Chennai - 600 015.

3. The District Educational Officer
Chennai (North).

+1cc to the Government Pleader, S.R.No.37367

WP.NO.11067 OF 2015

PCH(CO)
CS/20/09/2021