



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)No.921 of 2017

WEB COPY

The Secretary,
Gaffoor Middle School,
Pettai 627 004,
Tirunelveli District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai 60 009.
- 2.The Director of Elementary Education,
College Road,
Chennai 600 006.
- 3.The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent State Government to consider and pass orders on the representation submitted by the petitioner, on 25.11.2016, on merits and in accordance with law.

For Petitioner	: Mr.S.Xavier Rajini
For Respondents	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the first respondent to consider the representation submitted by the petitioner, on 25.11.2016, on merits and in accordance with law.

2. The case of the petitioner is that the petitioner's School was originally established as a Primary School in the year 1901. Thereafter, it was upgraded as Middle School in the year 1990. There are seven teachers working in the School. The total student strength of the School is 113. Therefore, the petitioner has made a representation to the first respondent on 10.07.2013 and repeatedly made representations to the first respondent, requesting him to sanction new post to the Middle School Sections. However, till date no order was passed. Hence, the present writ petition has been filed with the aforesaid prayer.



3. The learned counsel appearing for the petitioner would submit that as per G.O.(Ms).No.525 (School Education), dated 29.12.1997, in respect of the middle schools, the teacher - pupil ratio 1:40 shall be followed. However, the petitioner School student strength is 113 and seven teachers are not sufficient. Therefore, this Court may issue a direction to the first respondent to consider the petitioner's representation dated 25.11.2016.

4. The third respondent has filed a counter, wherein it is stated that as per Section 14 -A of the Tamil Nadu Recognised Private Schools (Regulation) Act, no grant is payable to the Middle School Sections of the petitioner, as they were opened after the commencement of the academic year 1991- 1992. It is further stated that no post of teacher can be sanctioned to the standards 6 to 8 of the School, as they were opened after the commencement of the academic year 1991-1992. The petitioner School was granted recognition to Standards 6 to 8 of the School on a specific condition that no grant will be paid by the Department and these standards are to be run by the Management itself from its own funds.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. The petitioner School has filed the present writ petition for sanction of additional teachers post. However, a perusal of the counter affidavit filed by the third respondent reveals that the Schools are governed by the Tamil Nadu Recognised Private Schools (Regulation), Act. According to Section 14 -A of the said Act, no grant is payable to the Standards, which were opened after the academic year, in the present case, viz., Standards 6 to 8. Further, recognition was granted subject to the specific condition that no grant will be paid to Standards 6 to 8 of the School which was opened after the academic year. In view of the aforesaid undisputed position, In the present case, the aid was granted prior to 1992. Since the aid was granted to the petitioner Middle School before Section 14-A of the Act came into force, this Court cannot issue any positive direction in favour of the petitioner School. Hence, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai 60 009.
- 2.The Director of Elementary Education,
College Road,
Chennai 600 006.
- 3.The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-10195[F] dated 10/03/2021)

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-10501[F] dated 11/03/2021)

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