



W.P.No.20644 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20644 of 2016

and

WMP.No.11719 of 2016

The Headmistress & Correspondent
Rep. By its Sr.Ermin Ignatious,
St. Anne's Girls Higher Secondary School,
Cuddalore – 607 001.

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.

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

3.The Chief Educational Officer,
Cuddalore District – 607 001.

4.The District Educational Officer,
Cuddalore District – 607 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorari, calling for the records relating to the



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impugned Staff-Fixation proceedings issued by the 3rd respondent Chief Educational Officer in Na.Ka.No.8845/AA3/2015 dated 27.01.2016 (setting the Staff Fixation for the petitioner-school for the academic year 2015-2016 and the consequential proceedings of the 3rd respondent in Na.Ka.No.8845/AA3/2015 dated 10.06.2016 (deploying the 3rd Physical Education Teacher – Mrs.E.Sophia Claris to another school), quash the same in so far as they render one post as surplus and deploys the 3rd Physical Education Teacher- Mrs.E.Sophia Claris to another school.

For Petitioner : Ms.H.Mary Sowmi Rexi
for M/s.P.Godson Swaminathan

For Respondents : Mr.M.Shahjahan,
Special Government Pleader

ORDER

Heard Ms.H.Mary Sowmi Rexi, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for the respondents.

2. By applying the teacher-student ratio, as provided under G.O.Ms.No.525, School Education Department, dated 29.12.1997, the third respondent herein, through the impugned proceedings dated 27.01.2016, has declared one post of Physical Education Teacher as surplus for the academic year 2015-2016.



3. The learned counsel for the petitioner submitted that the petitioner school, being a minority aided higher secondary school, has more than 7200 students. She placed reliance on a decision of the Hon'ble Division Bench of this Court in the case of ***The Director of School Education, College Road, Chennai and two others Vs. K.Uma*** reported in ***2010 (1) CWC 141*** and submitted that G.O.Ms.No.525 requires to be given liberal interpretation and therefore, the action taken on the part of the respondents in declaring one Physical Education Teacher as surplus, is illegal.

4. Per contra, the learned Special Government Pleader appearing for the respondents placed reliance on the averments in the counter affidavit and submitted that, whenever the students strength crosses 400 in a higher secondary school, the post of Physical Education Teacher shall be upgraded as Physical Director and therefore, there is no infirmity in the staff fixation for the year 2015-2016 and hence, no interference is required to their declaration of one post as surplus.

5. The Hon'ble Division Bench of this Court in *K.Uma's case (supra)* had dealt with the upper limit of the number of posts provided under



G.O.Ms.No.525 and held that, whenever the strength of the student increases, the ceiling requires to be removed by giving a liberal interpretation to the

Government order. The relevant portion of the order reads as follows:-

"23. As stated above, the normal understanding of the above Government Order with regard to Physical Education Teachers is that the High Schools would have maximum number of three Physical Education Teachers and Higher Secondary School would be added one more Physical Education Director in the name of Physical Education Director. However there cannot be any ceiling with regard to the strength of teachers as the same is bound to vary/increase as per the strength of the student's. When the student strength is increased, the ceiling has to be removed and required more Physical Education Teachers are to be appointed, otherwise the students would suffer irreparably and the Government Order would go against the very scheme of education.

24. Hence, G.O.Ms.No.525 needs to be given a liberal interpretation and the Government is at liberty to reconsider the matter and issue reasonable viable and appropriate norms with regard to appointment of physical education teachers in the schools as per the



strength of students, considering the observations made by this Court expeditiously."

6. It is brought to the notice of this Court that following the ratio laid down by the Hon'ble Division Bench in *K.Uma's case (supra)* that liberal interpretation should be given to the ceiling limit imposed under G.O.Ms.No.525, the respondents have also increased the strength of the Physical Education Teachers in another similarly placed minority aided school, through their proceedings in Na.Ka.No.12706/B2/2009, dated 03.05.2010, whereby the maximum strength was increased to five Teachers.

7. This Court is also of the view that when the petitioner's school has about 7200 students, giving a strict interpretation to G.O.Ms.No.525 and restricting the maximum number of Physical Education Teachers to 2+1, may cause serious prejudice to the students. This Court is also not able to comprehend as to how two Physical Education Teachers and one Physical Education Director can handle 7200 students. By applying the ratio laid down by the Hon'ble Division Bench in *K.Uma's case (supra)*, the consequential action of the respondents through the impugned order, by declaring one post of Physical Education Teacher as surplus, cannot be sustained.



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8. It is stated that pursuant to the interim orders passed by this Court, the teacher, who was declared to be surplus under the impugned order, still continues in the same post. In view of the decision to be taken by this Court that the action of the respondents in declaring one post of Physical Education Teacher as surplus cannot be sustained, the services of the Physical Education Teacher, namely Sophia Claris, cannot be disturbed.

9. In the light of the above findings, the impugned order dated 27.01.2016 passed by the third respondent is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Cuddalore District – 607 001.
- 4.The District Educational Officer,
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M.S.RAMESH,J.

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