



W.P.(MD)No.1793 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.1793 of 2020
W.M.P(MD).No.1533 of 2020**

Nadar Higher Secondary School,
Rep.by its Secretary,
Pandavarmangalam,
Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

1.The Director of School Education,
Chennai-6.

2.The Chief Educational Officer,
Tuticorin.

3.The District Educational Officer,
Kovilpatti,
Tuticorin District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Mu.Mu.No. 6080/A3/2019 dated 15.11.2019 and quash the same in so far as one post of BT Assistant (Maths), one post of Secondary Grade Teacher and one post of Record Clerk rendered as surplus is concerned and direct the respondents to grant prior permission to fill up the post of BT Assistant Maths.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Mu.Mu.No. 6080/A3/2019 dated 15.11.2019, quash the same in so far as one post of BT Assistant (Maths), one post of Secondary Grade Teacher and one post of Record Clerk rendered as surplus is concerned and direct the respondents to grant prior permission to fill up the post of BT Assistant (Maths).



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2. The case of the petitioner is that the petitioner School was sanctioned four posts of B.T.Assistant (Maths) for 6th to 10th standard. One P.Louis Armstrong, who was working as B.T.Assistant (Maths), has made a request for voluntary retirement and he was relieved from service on 03.04.2018. Therefore, one post of B.T.Assistant (Maths) became vacant with effect from 04.04.2018. Hence, the petitioner School made a request on 22.06.2018 to the second respondent through the third respondent to fill up the said post. However, the third respondent has returned the same for want of certain reports. Enclosing all the reports, the petitioner School has again sent a proposal to the second respondent through the third respondent. However, the same was not considered. Hence, the petitioner has filed a writ petition in W.P(MD).No.21147 of 2019. This Court vide order dated 03.10.2019 has also issued a direction to the second respondent to pass orders on the proposal submitted by the petitioner. Subsequently, the second respondent has passed the impugned order fixing one post of B.T.Assistant (Maths) as surplus (i.e.,) the vacant post. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that the present impugned order has been passed in terms of G.O.Ms.No.525, School Education Department, dated 29.12.1997 and subsequently, the Right of Children to Free and Compulsory Education Act, 2009 came into force. Hence, this Court may permit the petitioner School to make a representation to the second respondent to fix the staff fixation including teaching and non-teaching staff in terms of G.O.Ms.No.525, School Education Department, dated 29.12.1997, G.O.Ms.No.231, Pupil Teacher Ratio Fixation dated 11.08.2010 and the Right of Children to Free and Compulsory Education Act, 2009. If any such representation is filed, the second respondent may be directed to pass appropriate orders on the representation of the petitioner.

4. Heard Mr.S.Saji Bino, learned Special Government Pleader appearing for the respondents.



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5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court is inclined to grant permission to the petitioner to make a representation to the second respondent. If any representation is made, the second respondent is directed to pass appropriate orders on the petitioner's representation in terms of G.O.Ms.No.525, School Education Department, dated 29.12.1997, G.O.Ms.No.231, Pupil Teacher Ratio Fixation dated 11.08.2010 and the Right of Children to Free and Compulsory Education Act, 2009, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is closed.

22.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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