



W.P.(MD)No.7570 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.7570 of 2020**

Nadar Primary School,  
Rep.by its Secretary,  
Karisalkulam,  
Vilathikulam Taluk,  
Thoothukudi District-628 907.

... Petitioner

Vs.

1. The Director of Elementary Education,  
College Road, Chennai-600 006.
- 2.The District Educational Officer,  
District Educational Officer,  
VOC Government Higher Secondary School campus,  
Kovilpatti-628 502,  
Thoothukudi District.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India  
praying for issuance of Writ of Certiorari, calling for the records relating to  
the impugned staff fixations settled by the second respondent in the



W.P.(MD)No.7570 of 2020

proceeding Moo.Moo.No.4860/A2/2019 dated 12.11.2019 for the academic years 2019-2020 and its consequential proceedings Na.Ka.No. 4860.A2/2020 dated 26.06.2020 respectively and quash the same insofar as it renders one post of Secondary Grade teacher in the petitioner school as surplus.

For Petitioner : Mr.P.Pethu Rajesh  
For Respondents : Mr.S.Shaji Bino  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed to call for the records relating to the impugned staff fixations fixed by the second respondent in proceeding Moo.Moo.No.4860/A2/2019 dated 12.11.2019 for the academic years 2019-2020 and the consequential proceedings Na.Ka.No.4860.A2/2020 dated 26.06.2020 respectively and quash the same insofar as it renders one post of Secondary Grade teacher in the petitioner school as surplus.

2. The case of the petitioner is that the petitioner School is a recognized and aided Educational Institution. The total student strength of



W.P.(MD)No.7570 of 2020

the petitioner school during the year 2019-2020 is 86. As per G.O.Ms.No. 525, School Education Department dated 29.12.1997, there must be one teacher for each standard. However, the total strength of the teachers including the Head Master was five in the year 2012. A vacancy to the post of Secondary Grade arose on 01.07.2012. Due to reduction in students strength, the petitioner School could not fill up the post of Secondary Grade Teacher since 01.07.2012. The four teachers including the Head Master are handling five classes with great difficulty.

3. While so, the Government has announced the revised Norms on teacher-student ratio under G.O.Ms.No.525, School Education dated 29.12.1997 with effect from 01.06.1998, in which, it has been stated that a ratio of one teacher for every 40 students in each class was adopted in principle. The said Government Order was under challenged before this Court in W.A(MD).No.313 of 2006. The Hon'ble Full Bench of this Court was pleased to interpret the Government order in respect of Elementary Sections (Standards I to VIII) by order dated 04.11.2006 and arrived at a conclusion that if there are five standards, the minimum number of teachers



W.P.(MD)No.7570 of 2020

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should be five, out of which, one would be Head Master. Contrary to the decision of the Hon'ble Full Bench of this Court, the second respondent, while settling the annual staff fixation for the academic year 2019-2020 vide the impugned proceedings dated 12.11.2019, has fixed only three teachers to the petitioner School and decided the one teacher as surplus and tried to transfer the one of the Secondary Grade Teachers to another School. Hence, on 07.12.2019, the petitioner School submitted its objection to the second respondent, however, the second respondent has passed the consequential impugned proceedings on 26.06.2020 directing the petitioner School to give consent for transferring one of the Secondary Grade Teachers. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that contrary to the decision of the Hon'ble Full Bench of this Court, the present impugned order, dated 12.11.2019 is passed in terms of G.O.Ms.No.525, School Education Department, dated 29.12.1997, which is not sustainable one. Subsequently, the Right of Children to Free and Compulsory Education Act, 2009 came into force, in which, Section 19 of the Act prescribes the



W.P.(MD)No.7570 of 2020

norms and standards for School. Hence, this Court may set aside the impugned order and remand the matter back to the second respondent to fix the teacher-student ratio as on date in terms of the said Act.

4. The learned Additional Government Pleader appearing for the respondents would submit that he has no serious objection to remand the matter back to the second respondent to fix the teacher-student ratio.

5. The impugned order, dated 12.11.2019 has been passed based on 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 and the norms and standards for School have been prescribed in Section 19 of the Act. Without considering the decision of the Hon'ble Full Bench of this Court and the norms and standards for School prescribed in Section 19 of the Act, the second respondent has passed the impugned order, dated 12.11.2019 fixing teachers to the petitioner School which is not sustainable one. Hence, this Court is inclined to set aside the impugned order, dated 12.11.2019 and the consequential impugned



W.P.(MD)No.7570 of 2020

proceedings, dated 26.06.2020 and remand the matter back to the second respondent to fix the teacher-student ratio in the petitioner School by following the procedure contemplated in the Right of Children to Free and Compulsory Education Act.

6. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**21.12.2022**

Index : Yes / No

Speaking Order : Yes / No

ssb

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W.P.(MD)No.7570 of 2020

**M.DHANDAPANI,J.**

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**W.P.(MD)No.7570 of 2020**

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