



W.P.(MD)No.17989 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 07.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17989 of 2019

and

W.M.P(MD).Nos.14446 and 14447 of 2019

The Secretary
Vaniga Vaisya Sanga High School,
Sankarankovil 627 756
Tirunelveli District.

... 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,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Sankarankovil, Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the second respondent Director of School Education in Mu.Mu.No.056138/D2/E3/2018 dated 28.01.2019 quash the same and further direct the second respondent Director of



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School Education to permit the conversion of the existing post of Sewing Instructor into Physical Education Teacher.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2.The writ petitioner is an aided Educational Institution. It is run by a registered society. The School was initially established as a middle School in the year 1958. It was upgraded as High School in 1996. At present, 364 students are studying in the School. The petitioner has among others a sanctioned post of Sewing Teacher also. The petitioner applied to the second respondent for converting the post of Sewing Teacher into that of Physical Education Teacher. The said request was denied by the impugned order dated 28.01.2019. Challenging the same, this writ petition has been filed.



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3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to quash the impugned order and grant the relief prayed for.

4.Per contra, the learned Special Government Pleader submitted that it is not possible to convert the post of Sewing Teacher into that of Physical Education Teacher and called upon this Court to sustain the impugned order.

5.I carefully considered the rival contentions and went through the materials on record. There is no dispute that G.O.(Ms).No.525, School Education Department dated 29.12.1997 is still holding the field. Clause III (c) of the said Government Order states that, when the strength in classes VI to X in High School exceeds 250, one post of Physical Education Teacher will be sanctioned. Though the writ petitioner has class up to 10th standard, Class IX and X come under the self financing scheme, only classes VI to VIII are come under the aided category.



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6.The student' strength as on date in classes VI to VIII comes to 364. Therefore, they are very much entitled to sanction of one post of Physical Education Teacher. As on date, no such post has been sanctioned. I therefore suggested to the learned counsel appearing for the petitioner that they can surrender the existing post of Sewing Teacher. After getting instructions, the learned counsel states that if the School will be sanctioned with one post of Physical Education Teacher, they have no objection for surrendering the Sewing Teacher' post. As a result, the Government will not be put to any financial loss.

7.Since the petitioner is entitled to the sanction of post of Physical Education Teacher as per G.O.(Ms).No.525, School Education Department, dated 29.12.1997, the second respondent is directed to forthwith sanction a post of Physical Education Teacher for the petitioner School. Even while sanctioning the said post, the proceedings sanctioning the post of Physical Education Teacher will also accept the surrender of the post of Sewing Teacher. The petitioner is directed to submit a proposal for surrendering the post of Sewing Teacher forthwith. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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8.The Writ Petition stands allowed on these terms. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No

Internet : Yes/No

Rmk

To

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- 2.The Director of School Education,
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G.R.SWAMINATHAN, J.,

Rmk

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