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W.P.(MD)NO.18692 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18692 of 2022 and
W.M.P.(MD)Nos.13599 & 13600 of 2022

The Secretary,
Guruvappa Higher Secondary School,
Neikkarapatti, S.K.C.Nagar,
Palani – 624 615,
Dindigul 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 – 600 009.
3. The Chief Educational Officer,
Dindigul, Dindigul District.
4. The District Educational Officer,
Palani, Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned



proceedings issued by the 3rd respondent / Chief Educational Officer in O.Mu.No.4921/Aa7/2022 dated 14.7.2022 denying permission to fill up the sanctioned post of BT Assistant (Science) by converting it as BT Assistant (English) and the consequential proceedings issued by the DEO in O.Mu. 2869/A4/2021 dated 26.7.2022 quash the same as illegal and direct the 3rd respondent / Chief Educational officer to give permission to the petitioner school for filling up the sanctioned vacant post of BT Assistant (Science) by converting it as BT Assistant (English) within a reasonable time as may be specified by this Court.

For Petitioner : Mr.K.Ragatheesh Kumar,
for M/s.Isaac Chambers.

For Respondents: Mr.B.Shaji Bino,
Special Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a non-minority educational institution. The total students strength is 2140. In the high school alone, 1456 students are presently studying. As many as 13 BT Assistants (Science) are working. On the other hand



there are only 3 BT Assistant (English) teachers. Such a lopsided position is prevailing on account of the school accommodating BT Assistants (Science) by way of deployment of surplus teachers from other school. The petitioner wants to convert the said vacancy into BT Assistant (English). In this regard request was made to the respondents. But it was rejected by the impugned order dated 26.07.2022. Questioning the same, the present writ petition came to be filed.

3. I called upon the learned counsel appearing for the petitioner to furnish the details regarding the students strength and work load. It reads as follows:-

Standard	No. of students	No. of section	Workload – English (7 periods per week for each section)	Workload – Science (7 periods per week for each section)
VI	212	5	35	35
VII	215	5	35	35
VIII	226	6	42	42
IX	433	11	77	77
X	370	11	77	77
Total	1456	38	266	266



4. A mere look at the aforesaid table would indicate that the work load of English teachers and B.T. (Science) teachers is same but the number of the teachers available for teaching Science subject and the number of teachers available for teaching English subject are not one and the same. However, the petitioner is not seeking parity. He is only seeking conversion of one post of B.T.Assistant (Science) to B.T.Assistant (English). No exception can be taken to the said request. The petitioner's proposal has been mechanically rejected by the third respondent. The third respondent has not taken into account the relevant aspects, namely, number of students studying in classes 6 to 10 and the work load handled by the English teachers.

5. In this view of the matter, the order impugned in this writ petition is set aside. The third respondent is directed to grant permission to the petitioner's school to convert the post of BT Assistant (Science) into BT Assistant (English). Such an order will be passed by the third respondent within a period of three weeks from the date of receipt of a copy of this order. As regards filling up of the said vacancy the matter is left open.



This writ petition stands allowed accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

26.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
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G.R.SWAMINATHAN,J.

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