



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) No.4516 of 2017

and

W.M.P. (MD) Nos.3619 and 3620 of 2017

Moorthi Primary School,
Represented by its Correspondent Cum Manager,
J.R.John Samuel Nallathambi. ... Petitioner

Vs.

- 1.The District Elementary Educational Officer,
O/o. the District Elementary Educational Officer,
S.N.High Road, Tirunelveli - 627 001,
Tirunelveli District.
- 2.The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Officer,
Panchayat Union Middle School Compound,
Rastha, Via Manur,
Tirunelveli District - 627 201. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.965/A2/2014 dated 24.02.2017 on the file of the respondent No.1 and quash the same as illegal and consequently for a direction, directing the respondents not to reduce the teachers strength of the petitioner's Primary School below 5 (One for each class) in the light of the judgment of Full Bench of This Court in Director of Elementary Education Vs. S.Vigila reported in 2006 5 CTC 385.

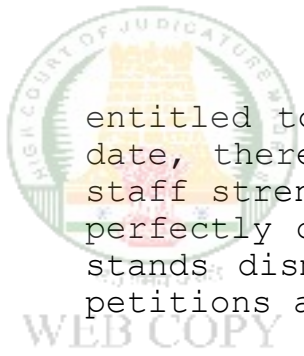
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Om.Prakash,
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner is an aided institution. The petitioner is having classes upto five. As per the G.Os., governing fixing of staff strength, if there are 90 students, the institution is



entitled to three sanctioned posts. In this case, on the relevant date, there were 89 students. Therefore, the respondents fixed the staff strength at three. The calculation made by the respondents is perfectly correct. No case has been made out and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:-

- 1.The District Elementary Educational Officer,
O/o. the District Elementary Educational Officer,
S.N.High Road,
Tirunelveli - 627 001,
Tirunelveli District.
- 2.The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Officer,
Panchayat Union Middle School Compound,
Rastha, Via Manur,
Tirunelveli District - 627 201.

+1 CC to M/s.SPL.GP (SR-27145[F] dated 21/06/2022)

**W.P(MD)No.4516 of 2017
17.06.2022**

RD(01.07.2022) 2P 4C