



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.776 of 2017

WEB COPY

S.R.M Higher Secondary School,
Represented by its Secretary
S.RM. Chidambaram
Nattarasankottai,
Sivagangai District.

... Petitioner

Vs.

1. The Director of School Education,
Higher Secondary Education,
College Road, Chennai.

2. The Chief Educational Officer,
Sivagangai.

... 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 order in Na. Ka.3929/A3/2016 dated 13-10-2016 issued by the 2nd respondent in so far as clause 2 (4) under head of B.T Assistant teachers in Secondary grade post and quash the same and consequently direct the second respondent to re-allot the post of science teacher to the petitioner school committee for the academic year 2016-2017 within the time limit fixed by this Court.

For Petitioner	: Mr.VR.Shanmughanathan, for S.Manikandan.
For Respondents	: Mr.V.OM.Prakash, Government Advocate.

* * *

O R D E R

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

2. The case on hand relates to fixation of staff strength on the basis of the strength of students. The petitioner is an aided higher secondary school. The second respondent declared that two teachers teaching for standards 6 to 10 were surplus. Proceedings were issued to that effect. Questioning the same, this writ petition came to be filed.



3. When the matter was taken up for hearing, I called for the details of current students strength. The second respondent stated that at present 150 students are studying in classes 6 to 10. The break up is as under:-

Classes	6	7	8	9	10	Total
No. of students	16	38	21	41	34	150

4. Though the learned Government Advocate would urge that one teacher post can be sanctioned for every 40 students, the learned counsel appearing for the petitioner drew my attention to the schedule to Right of Children to Free and Compulsory Education Act, 2009. As per the said schedule, 6th standard to 8th standard, there must be at least one teacher per class so that there shall be at least one teacher each for Science, Mathematics and Social Science.

5. The second respondent is directed to revisit the issue and fix the staff strength taking into account the fact that at present 150 students are studying in classes 6 to 10 and fresh order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. The second respondent will issue notice to the petitioner and grant him personal hearing before passing final order.

6. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Director of School Education,
Higher Secondary Education,
College Road, Chennai.

2. The Chief Educational Officer,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-25921[F] dated 15/06/2022)

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