



WEB COPY



W.P.No.19879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.19879 of 2023 &

WMP.Nos.19219 & 19220 of 2023

Hameediya Higher Secondary School,
Thirukalacherry, Tharangambadi Taluk 609 312
Mayiladuthurai District.
Rep. by its Secretary N.Raj

... Petitioner

Vs

1. The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
2. The Joint Director of School Education [Secondary],
O/o.The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
3. The Chief Educational Officer,
Mayiladuthurai District, Mayladuthurai.
4. The District Educational Officer [Secondary],
Mayiladuthurai Education District,
Mayiladuthurai District.

... Respondents



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Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned staff fixation in Na.Ka.No.5569/A2/2022 dated 29.05.2023 for the academic year 2022-2023 and to quash the same and consequently directing the respondents to revise the staff fixation Order for the year 2022-2023 to the petitioner school.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

Respondents : Mr.P.Baladhandayuthan
Special Government Pleader – R1 to R4

ORDER

This Writ Petition has been filed to quash the impugned staff fixation in Na.Ka.No.5569/A2/2022 dated 29.05.2023 for the academic year 2022-2023 and consequently direct the respondents to revise the staff fixation Order for the year 2022-2023 to the petitioner school.

2. The grievance of the petitioner is that as against the sanctioned strength, now the strength has been depleted even ignoring direction of this Court in Writ Appeal in W.A.No.76 of 2019 etc. batch dated



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30.03.2021. Hence, present Writ Petition has been filed.

3. The learned Special Government Pleader counsel appearing for the respondents submitted that even though in the impugned Order it is clearly indicated that in the event there is any depletion, the same may be brought to the notice of the authorities and the same will be taken note of and appropriate Orders will be passed by the Chief Educational Officer, the Writ Petition has been filed.

4. Whereas the learned counsel appearing for the petitioner submitted that immediately they had given a representation to the third respondent on 19.06.2023 indicating the manner in which the allotment should made. However, the same has not been considered by the respondents. The learned counsel appearing for the petitioner also brought to the notice of this Court the communication sent by the District Educational Officer dated 03.07.2023 stating that unless excess service staff are relieved, salaries will not be paid to the teachers.



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5. It is further noticed that the authorities have communicated in their Order dated 29.05.2023 that they have passed the detailed Order taking into consideration the direction already issued in W.A.No.76 of 2019 etc. batch. In the Writ Appeal in para 91.13, the Division Bench of this Court has held as follows :

“91.13. Therefore, based on the policy of the State Government to have two language formula in this State and permitting the institutions run by the Government as well as private with aid to open English medium sections also and accordingly, many number of schools have already opened English medium sections and are imparting education in English as a medium of instruction, those students also, if they are in between the age of 6 and 14, shall be protected with free and compulsory education, for which, whatever be the staff requirement shall be enhanced and whatever be the staff strength shall also be sanctioned by the State Government especially after the provisions of the RTE Act came into effect,



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i.e., from 2010-11.”

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It is also brought to the notice of this Court that as against the Order in the above Writ Appeal, SLP has been filed and stay has been granted against the portion in para No.95 [i] of the Writ Appeal and other directions have not been stayed.

6. In such view of the matter, the first respondent shall consider the representation of the petitioner and pass Order on its own merits within a period of two months from the date of receipt of a copy of this Order. Till such time, the communication of the third respondent dated 03.07.2023 shall be kept in abeyance.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

06.07.2023

Index: Yes/No



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Neutral Citation : Yes/No

vrc

To,

1. The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
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O/o.The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
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N.SATHISH KUMAR, J.

VTC

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