



W.P(MD)No.10469 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10469 of 2020

and

W.M.P.(MD)Nos.9264 and 9267 of 2020

The Correspondent,
Senaithalaivar Higher Secondary School,
Vickramasingapuram – 627 425,
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,
Cheranmahadevi,
Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned staff fixation issued by the 3rd respondent Chief Educational Officer for the year 2019-2020 vide proceedings in Na.Ka.No.9377/A5/2019 dated 30.07.2020 insofar as it excludes the students in English medium for assessing staff strength and thereby renders 3 BT Assistants and 1 pre-vocational Instructor as surplus, quash the same.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a Higher Secondary School. Classes from 1 to 10 receive aid from the State. Standards 11th and 12th are under self financing scheme. The question that arises for consideration is the staff fixation for classes from 6 to 10. There is no dispute as regards the students strength. It is as follows:-



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Class	Student Strength
6	57
7	77
8	73
Total	207

Class	Student Strength
9	94
10	115
Total	209
6 – 10	416

3.As per the provisions set out in Right to Education Act, 2009, the ratio of 1:35 will have to be maintained. The Right to Education Act is applied upto classes 8. The staff fixation for classes 9 and 10 are governed by G.O.(Ms)No.525, School Education Department, dated 29.12.1997. The Hon'ble Full Bench of the Madras High Court in the decision reported in 2006 (5) CTC 385 (The Director of Elementary Education Vs. S.Vigila) had held as follows:-

“23. Keeping in view the various relevant aspects, we feel that G.O.Ms.No. 525 dated 29.12.1997 should be interpreted in the following manner:



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- (1) The ratio of students-teacher strength as indicated in the G.O. should be primarily considered by taking each individual standard/section as a unit.*
- (2) The minimum strength of teachers required obviously should not fall below the number of Standards/Section in a school. In other words, if there are five standards, obviously the minimum number of teachers should be five, out of which one would be the Headmaster.*
- (3) If the students' strength in a particular Standard exceeds 60, at that stage, an additional section is required to be created requiring the sanction of a second teacher and the strength reaches 100, the post of a third teacher is required.*
- (4) Even after maintaining the aforesaid ratio by taking into account the students strength of each individual standard and additional section, as the case may be, by keeping in view the teacher-students ratio 1:40 of the entire school if the teachers strength is required to be increased, the same has to be allowed, but in no case, the teachers strength should be less than the number of standards including the additional sections. If more teachers are thus sanctioned keeping in view the over all strength of the school, the authorities of the school should create additional section in respect of any particular Standard according to the need and convenience keeping in view the standard of education. This requirement is not only in respect of aided schools or Government schools, but also in respect of any private recognised school. In other words, this ratio is to be maintained for any school which requires recognition.*
- (5) It would be obviously open to the Government to formulate appropriate norms in consonance with the above observation and provisions of the constitution."*



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4.Applying the provisions of Right to Education Act and G.O.(Ms)No.525 as interpreted by the Hon'ble Full Bench, one can come to the following conclusion:-

“For class No.6, since the students strength is sixty, they are entitled to have two sections. Therefore, they are entitled to have two Secondary Grade Teachers. Applying the same principle for Class No.7 which had students strength of 77, they are entitled to have another two Secondary Grade Teachers. Same is the position as regards Class No.8. Thus, the school is entitled to six Secondary Grade Teachers. Class No.9 had students strength of 94. It is therefore entitled to have one Headmaster and two B.T. Assistants. Coming to Class No. 10 which had students strength of 115, there is a controversy between the two sides. By applying the aforesaid government order as interpreted by the Hon'ble Full Bench, since the students strength had exceeded 60, an additional section has to be created and two B.T. Assistant posts will have to be sanctioned. If the students strength had crossed 100, there will have to be three posts of B.T. Assistants. If the students strength had crossed 140 for Class No.10, four B.T. Assistant posts would have been sanctioned. Apart from six Secondary Grade Teachers, one post of Headmaster and five post of B.T. Assistants. Thus,



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the school was entitled to five posts of B.T. Assistants, one post of language teacher and one P.E.T teacher. Thus, the number of sanctioned strength to which the petitioner school eligible was 14 during the relevant time. Therefore, the impugned staff fixation fixing the number of teaching staff at 14 is correct. No interference is called for. If the students goes up, obviously the petitioner will be entitled to corresponding increase in the number of sanctioned strength.”

5. With this observation in favour of the petitioner, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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