



W.P.(MD)No.14435 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 02.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.14435 of 2020**

**and**

**W.M.P.(MD)Nos.12084/2020, 15659 and 11735 of 2021**

The Correspondent,  
Christhu Raja Higher Secondary School,  
Palayamkottai 627 002,  
Tirunelveli District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu  
Represented 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.



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4. The District Educational Officer,  
Tirunelveli,  
Tirunelveli District.

... Respondents

**PRAYER** : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned staff fixation issued by the third respondent CEO for the academic year 2019 - 2020 in Na.Ka.No.10510/a4/2020, dated 02.09.2020 insofar as rendering one post of Physical Education Teacher as surplus is concerned and to quash the same.

For Petitioner : M/s.A.Amala

For Respondents : Mr.S.Saji Bino  
Special Government Pleader

### **ORDER**

This writ petition has been filed challenging the impugned staff fixation issued by the third respondent CEO for the academic year 2019 - 2020 in Na.Ka.No.10510/a4/2020, dated 02.09.2020 insofar as rendering one post of Physical Education Teacher as surplus is concerned and to quash the same.



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2. The case of the petitioner is that the petitioner School is a recognised institution and partly aided by the Government of Tamil Nadu. Now, there are 1860 students studying in the School. The School receives aid from the Government for Standards 1 to VIII. The third respondent while settling staff fixation for the academic year 2019 -2020, vide impugned proceedings dated 02.09.2020, rendered one post of Physical Education Teacher as surplus. The petitioner School has raised an objection vide letter dated 26.09.2020. However, there is no response from the third respondent till date. Challenging the impugned proceedings of the third respondent dated 02.09.2020, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that in respect of teaching staffs, for fixing the teachers strength based on the students strength, certain procedure was followed as per G.O.(Ms.)No. 525, dated 01.06.1998 and the said Government Order was challenged before this Court and this Court has upheld the validity of the Government Order. Further, every year the educational authority has to assess the



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teachers strength on the basis of students strength and the impugned order is passed in the year 2020 and after lapse of three years, the said impugned order may not continue at present and the third respondent has to pass fresh order based on the present students strength.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The facts in the present case are not in dispute. Admittedly, the petitioner School is a recognised institution and partly aided by the Government of Tamil Nadu and every year the educational authority has to assess the students teachers strength in terms of G.O.(Ms.)No.525 dated 01.06.1998 and non-teaching staffs in terms of G.O.(Ms.)No.238 dated 13.11.2018. In respect of the teaching staffs, already this Court had upheld the validity of the Government Order. Hence, the prayer sought for by the petitioner cannot be granted. However, this Court directs the third respondent to assess the present strength of the students and fix the teaching staffs of the petitioner School within a period of four weeks from the date of



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receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive steps in respect of the petitioner School.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**01.02.2023**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No

akv



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To

- 1.The Secretary,  
Government of Tamil Nadu,  
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- 2.The Director of School Education,  
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**M.DHANDAPANI,J.**

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**02.02.2023**