



W.P.(MD)No.14478 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14478 of 2020

and

W.M.P.(MD)No.12117 of 2020

The Correspondent
St. Joseph's High School,
Naranammalpuram 627 357,
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 single post of Tamil Pandit as surplus without teacher is concerned and to quash the same.

For Petitioner : M/s.A.Amala

For Respondents : Mr.J.Ashok,
Additional 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 single post of Tamil Pandit 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 Religious Minority Educational Institution in terms of Article 30 (1) of the Constitution of India. Now, there are 135 students studying in the School. The School receives aid from the Government for one B.T.Assistant (English), one B.T.Assistant (Maths), one Tamil Pandit and one Secondary Grade Teacher. The third respondent while settling the staff fixation for the academic year 2019 – 2020, vide proceedings dated 31.07.2020, removed the single post of Tamil Pandit from the staff fixation. The petitioner School registered its objection vide letter dated 10.08.2020. However, the third respondent once again while resettling the staff fixation for the academic year 2019 – 2020, vide impugned proceedings dated 02.09.2020, rendered single post of Tamil Pandit as surplus. Challenging the same, the present writ petition is 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



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before this Court and this Court upheld the validity of the Government Order. Further, every year the educational authority has to assess the 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 Religious Minority Educational Institution 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 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



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staffs of the petitioner School within a period of four weeks from the date of 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

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To

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M.DHANDAPANI,J.

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