



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 30.06.2023

Pronounced on : 18.07.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.14359 of 2023

and

WMP(MD)Nos.12166 & 12168 of 2023

Syed Ammal Higher Secondary School,
Rep.by its Correspondent Dr.A.Babu Abdullah,
Ramanathapuram – 623 504,
Ramanathapuram District.

... Petitioner

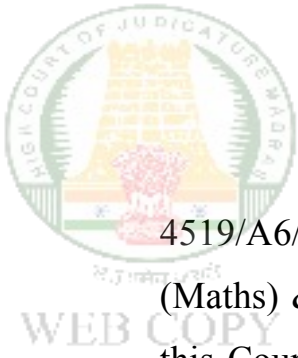
v.

1.The Director of School Education,
DPI Campus, Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned staff fixation order for the academic year 2022-23 passed by the second respondent vide his proceedings Nil dated 06.02.2023 insfoar as the posts of surplus are concerned and consequential impugned order of surplus issued by the second respondent vide his proceedings in Na.Ka.No.



4519/A6/2023 dated 09.06.2023 (2-B.T.Assistants (Tamil), 2 B.T.Assistants (Maths) & 2 B.T Assistants (Science) and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates
For Respondents : Mr.N.Satheeskumar,
Additional Government Pleader

ORDER

Heard the learned Senior Counsel for the writ petitioner and the learned Additional Government Pleader for the respondents.

2.The petitioner is an aided minority institution. Following the passing of the impugned staff fixation order for the year 2022-23 by the second respondent, as many as three teachers were rendered surplus. However, six teachers were sought to be deployed to other institutions. When the matter was taken up for disposal, the learned Additional Government Pleader produced revised proceedings indicating that seven B.T Assistants including two Tamil Pandits had been rendered surplus. I requested the respondents to furnish me with a chart to assist the court. The figure of surplus teachers became nine.



3.As rightly submitted by the learned Senior Counsel for the petitioner, the department is shifting its ground. It is for this reason, I am constrained to interfere. The impugned proceedings stand set aside. The matter is remanded to the second respondent for fresh consideration. The second respondent shall issue notice to the petitioner-management regarding staff fixation and after inviting their objections finalise the issue. I make it clear that I have not gone into the merits of the matter. The contentions of both the sides are left open.

4.The writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

18.07.2023

skm

To

1.The Director of School Education,
DPI Campus, Nungambakkam,
Chennai.

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G.R.SWAMINATHAN, J.

skm

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