



W.P.(MD)No.18056 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18056 of 2020

and

W.M.P.(MD)No.15052 of 2020

Ramaswamy Pillai Higher Secondary School,
through its Secretary/Correspondent,
I.C.Shunmugavelayutham,
Tirunelveli District.

... Petitioner

vs.

1.The Director of School Education, Chennai.

2.The Joint Director of School Education (Secondary),
Chennai-6

3.The Chief Educational Officer,
Chief Educational Office, Tenkasi, Tirunelveli District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the staff fixation order for the academic year 2019-2020 passed by the 3rd respondent in his proceedings in Na.Ka.No.



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1234/A2/2020 (19) dated .08.2020 signed on 14.08.2020 as far as removing one post of Office Assistant and one post of Record Clerk post (non teaching) and quash the same as illegal and direct the respondents to include one post of Office Assistant and one post of Record Clerk post and release the grant in aid to the Ramaswamy Pillai Higher Secondary School.

For Petitioner :Mr.V.Meenakshi Sundaram
For Respondents :Mr.P.Thambi Durai
Government Advocate

ORDER

This Writ Petition has been filed challenging the staff fixation order for the academic year 2019-2020 passed by the third respondent through proceedings dated 14.08.2020 insofar as removing one post of Record Clerk and reducing one post of Office Assistant (non-teaching) and for a consequential direction to the respondents to include one post of Record Clerk and to add one post of Office Assistant.

2.The grievance of the petitioner school is that they had sufficient students strength for the academic year 2019-2020 and they were entitled to fill up two posts of Office Assistants and one post of Record Clerk. However, the third respondent, while issuing the staff fixation order, had



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wrongly come to a conclusion that the threshold student strength was not filled up by the petitioner school and as a result, one post of Office Assistant was reduced and one post of Record Clerk was removed. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3.The respondents have filed a counter affidavit. The relevant portions are extracted hereunder:

“4)I humbly submit that, as per the Govt orders Ms.No. 238 School Education (S.E.6-1) Department, Dated 11.11.2018, new norms were framed for aided High and Higher Secondary Schools based on the students strength. Accordingly, fixation of teaching and non-teaching staff was ordered as follows:

Sl. No.	Name of the post	Students Strength in aided students with sections			
		Upto 250	251 to 1000	Above 1001	Remarks
1.	Junior Assistant / Record Clerk	No	1	2	Maximum Two
2.	Office Assistant	1		2	Maximum 2
3.	Watchman	1		Maximum	Maximum

.....

8.I humbly submit that as per Govt Order 238, School Education Department Dated, 11.11.2018, the students studying in Aided section numbering 759 should alone be considered for non-teaching staff fixation. The petitioner school strength of 759 is considered and one Junior Assistant and one Office Assistant post is fixed and that post persons are working. Excess post claimed by petitioner school cannot be complied as per Govt Order.



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As on 2019-2020

Class	Students	Students (Self Finance)	Total
6	79	42	121
7	99	44	143
8	101	46	147
9	137	48	185
10	132	54	186
11	133	66	199
12	93	45	138
Total	774	345	1119

9.I humbly submit that as per Govt Order 238, School Education Department Dated, 11.11.2018, the students in Aided section numbering 734 should alone be considered for non-teaching staff fixation. The petitioner school strength of 734 is considered and one Junior Assistant and one Office Assistant post is fixed and that post persons are working. Excess post claimed by petitioner school cannot be complied as per Govt Order.”

4.Heard Mr.V.Meenakshisundaram, learned Counsel appearing on behalf of the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing on behalf of the respondents.

5.The main ground on which the staff fixation was passed by the third respondent was that the aided school had a students strength of 774 and the self financing school had a students strength of 345 and both



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those were added up by the petitioner school to portray, as if the total students strength is 1119. However, the third respondent had taken into consideration only the students strength in the aided school and based on G.O.Ms.No.238, dated 11.11.2018, the staff fixation order was passed. This Court does not want to go into this factual dispute.

6.The learned Counsel for the petitioner submitted that the petitioner school has the sufficient strength and the same can always be verified by the third respondent through EMIS. The learned Counsel submitted that if the petitioner school satisfies the students strength requirement, they will be entitled for one post of Record Clerk and one additional post of Office Assistant and that the same can be considered for sanction in the forthcoming academic year commencing from 01.06.2024.

7.The learned Government Advocate appearing on behalf of the respondents submitted that the third respondent will consider the students strength of the petitioner school and take a decision in line with G.O.Ms.No.238, dated 11.11.2018 for the forthcoming academic year



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commencing from 01.06.2024.

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8.In the light of the above submissions, it will be suffice, if a direction is issued to the third respondent to take into consideration the students strengths available in the petitioner school for the current academic year 2023-24 from EMIS and take a decision to sanction one post of Record Clerk and one additional post of Office Assistant for the forthcoming academic year commencing from 01.06.2024. This exercise shall be completed by the third respondent on or before 01.04.2024.

9.This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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

30.11.2023

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N.ANAND VENKATESH, J.

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