



W.A.(MD).No.2141 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.2141 of 2023

and

C.M.P.(MD)Nos.17244 & 17245 of 2023

Secretary,
Kamak Higher Secondary School,
Krishnapuri-626 141, Virudhunagar District.
Vs.

.. Appellant

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-600 009.

3.The Chief Educational Officer,
Virudhunagar District.

4.The District Educational Officer,
(Secondary) Sivakasi, Virudhunagar District.

... Respondents



W.A.(MD).No.2141 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 17.07.2023 made in W.P.(MD).No.14811 of 2023 on the file of this Court.

For Appellant : Ms.A.Amala

For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM,J.***)

The order dated 17.07.2023 passed in W.P.(MD).No.14811 of 2023 is under challenge in the present Writ Appeal.

2.The learned Single Judge, referring the Government Order issued in G.O.(Ms)No.525, School Education Department, dated 29.12.1997, rejected the relief as such sought for in the Writ Petition. As per the said Government Order, when the strength in classes 6 to 10 exceeds 250, one post of Physical Education Teacher will be sanctioned and for every additional strength of 300, one additional post of Physical Education Teacher will be sanctioned subject to a maxim of 3. The appellant / writ petitioner conceded before the Writ Court that in the academic year 2022-23, there were only 177 students from classes 6 to 10.



W.A.(MD).No.2141 of 2023

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3.Considering the factual position and by complying with the policy of the Government, the learned Single Judge formed an opinion that the writ petitioner is not entitled for the relief and the policy decision of the Government in this regard cannot be interfered with by the High Court, since the said Government Order had already been upheld by the Full Bench of this Court.

4.That being the factum, we do not find any infirmity in respect of the order passed by the learned Single Judge, which is impugned herein. Accordingly, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) & (V.L.N.,J.)

20.12.2023

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

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W.A.(MD).No.2141 of 2023

S.M.SUBRAMANIAM,J.

and

V.LAKSHMINARAYANAN,J.

Yuva

To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
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