



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.02.2026
PRONOUNCED ON : 20.02.2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No.21492 of 2021

S.Arulanandam

Petitioner

Vs

1. The State of Tamil Nadu
Rep by its secretary,
Education Department,
Fort St George, Chennai- 600 009.

2.The Commissioner
School Education Department (Higher Secondary)
D.P.I. Compound, College Road,
Chennai- 600 006.

3.The Joint Director
School Education, D.P.I. Compound,
College Road, Chennai- 600 006.

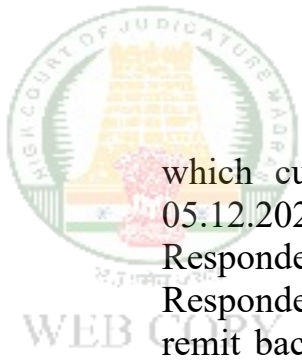
4.The Chief Educational Officer
Sivaganagai, Sivaganagai District.

5.The District Educational Officer
Devakottai, Sivaganagai District.

6.The Correspondent,
De- Britto Higher Secondary School,
Sivaganagai District,
Devakottai- 630 303.

Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorarified Mandamus, calling for all the records



which culminated in the order made in Na.Ka.No.7101/ A3/ 2019, dated 05.12.2020 of the 4th respondent (CEO) pursuant to instructions of 1st 2nd and 3rd Respondents and quash the same as null and void and further direct the 1st Respondent to accord necessary sanction and direct 2nd and 3rd Respondents to remit back the physical education teacher (PET) post which is being illegally withdrawn from the 6th Respondent school enabling the 4th Respondent to re-do staff fixation for the year commencing from 2011- 2012 and subsequently with reference to applicable Norms and Rules holding the field and get necessary sanction and approval from 1st and 2nd Respondents and approve the appointment of the petitioner with effect from 15.06.2011, as a physical education teacher (PET) in the 6th Respondent School, holding the same as legally sustainable, with all attendant, Seniority, monetary and all other benefits attached to the post with effect from 15.06.2011.

For Petitioner: Mr.C.Johnson

For Respondent: Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.A.Bakkiya Lakshmi
Government Advocate
for R1 to R5
No appearance for R6

ORDER

Heard the learned counsel for the petitioner, learned Additional Advocate General assisted by the learned Government Advocate appearing for the respondents 1 to 5.

2. The case of the petitioner in brief is that the sixth respondent is a Minority-Aided Higher Secondary School having classes from 6th to 12th class; that during the year 2010-2011, the aforesaid school had three sanctioned posts of Physical Education Teacher (PET); that one of the Physical Education



Teacher from and amongst the sanctioned post of PET had retired from service on 31.05.2011; and that against the aforesaid sanctioned vacancy, the petitioner was appointed on 15.06.2011.

3. It is the further case of the petitioner that on the sixth respondent appointing him against the sanctioned vacancy which had fallen vacant on account of the existing Physical Education Teacher retiring from service on attaining the age of superannuation, had sought for approval of the appointment of the petitioner by approaching the respondents; that the respondents authorities by proceedings dated 16.08.2011, rejected the aforesaid proposal sent by the sixth respondent School in relation to the appointment of the petitioner.

4. The petitioner further contented that on the respondents authorities rejecting the proposals sent by the sixth respondent for according approval for the appointment of the petitioner, the sixth respondent had approached this Court by filing a writ petition in WP.(MD).No.12371 of 2014; and this court by an order dated 27.08.2019 while allowing the writ petition, set aside the aforesaid rejection order dated 16.08.2011 and issued the following directions:

“17. This being the factum of the case, the respondents are directed to review the entire facts and circumstances prevailing in the writ petitioner’s School with reference to the staff strength as



well as the students teachers ratio and take appropriate decision by following the Government orders in force as well as the Rules and Statute. If at all any appointments made long back is in accordance with the Statute and Rules in force, all such cases are to be considered with reference to the Rules in force and based on the students strength which was prevailing during the relevant point of time. The said exercise is directed to be done within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner's School is also at liberty to submit a fresh proposal, if any along with all documents, enabling the competent Educational Authorities to scrutinise the same with reference to the Rules in force."

5. It is the further contention of the petitioner that on this Court, setting aside the earlier proceedings by which the proposal sent by the 6th respondent was rejected, the respondents authorities claiming to be complying with the order of this Court, have issued the impugned order, dated 05.12.2020 stating that as per the Government order in G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997 and the Government letter, and based on the number of teachers and students, only three posts are eligible for the 6th respondent Higher Secondary School, namely one post of Physical Education Director Grade I, two posts of Physical Education Teacher.

6. It is the further contention of the petitioner that though this Court while disposing of the writ petition in WP.(MD).No.12371 of 2014 had given a specific direction to the respondents cannot to look into the aspect of staffs strength as well as student-teacher ratio and take appropriate decision by



following Government Orders in force, no such exercises were undertaken while passing the impugned order.

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7. It is the further case of the petitioner that at any given point of time, the sixth respondent school had not less than 1,800 students and as such the respondents cannot claim the sixth respondent School of not having the required student strength and is entitled only to one post of Physical Education Director and two posts of Physical Education Teacher, in all totalling to three teachers; and that the said teachers working as Physical Education Teacher / Physical Education Director currently are sufficient, so as to reject the appointment of the petitioner being approved.

8. Counter affidavit on behalf of the respondents, is filed.

9. The respondents by the counter affidavit contended that as per G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997, the teacher-student ratio is fixed and based on the aforesaid G.O., the sixth respondent will be eligible for three posts of Physical Education Teachers; and that as the sixth respondent school has two posts of physical education teachers and one post of Physical Education Director, no further post is available to the sixth respondent school and accordingly, the request of the sixth respondent for



approval of the petitioner as a Physical Education Teacher with effect from 15.06.2011 was rejected by the impugned proceedings dated 05.12.2020 of the fourth respondent.

10. On behalf of the respondents it is further contended that since, the sixth respondent school did not have required strength of students to have another sanctioned post of Physical Education Teacher, the 6th respondent school was sanctioned two posts of Physical Education Teachers and one post of Physical Education Teacher, and one post of PET which was found surplus without teacher has been transferred to the general category.

11. On behalf of the respondents, it is further contended that since, the school did not have the required student strength, the appointment of the petitioner by the 6th respondent was not approved by the respondents authority and as such the impugned order does not call for any reference. Contending as above, the respondents seek for dismissal of the writ petition.

12. I have taken note of the respective submissions made by the learned counsel for the parties.

13. While the petitioner claimed that at any given point of time, the sixth



respondent school had not less than 1,800 students, the respondents by the impugned order as well as by the counter affidavit filed into this Court did not mention as to the total student strength of the 6th respondent school.

14. On the other hand, the respondents by the impugned proceedings merely stated that the sixth respondent school is entitled to three posts, one of which is in the level of Physical Education Director and two other being the Physical Education Teacher and there no provision to sanction an additional Physical Education Teacher post.

15. However, it is to be noted that the restriction of three Physical Education Teachers as introduced by G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997 was the subject matter of consideration before the Division Bench of this Court in W.A.No.226 of 2009 and W.P.No.25348 of 2008 and the Division Bench of this Court by its order dated 04.12.2009, had held that G.O.Ms.No.525 is not prohibitive in nature and in fact if necessity arises, more teachers can be appointed. The Division Bench further held that there cannot be any dispute with regard to strength of the teachers as the same is bound to vary / increase as per the strength of students. This Court further held that GO.Ms.No.525 needs to be given liberal interpretation and the Government is at liberally to reconsider the matter when the issue is reasonable, viable with



regard to appropriate norms of Physical Education Teachers in the schools as per the strength of the students.

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16. Further, a coordinate bench of this Court while disposing of the WP. (MD).No.12371 of 2014, having directed the respondents to review the entire facts and circumstances prevailing in the sixth respondent school with reference to staff strength as well as student-teacher ratio and take appropriate decision, from a reading of the impugned order purported to have been passed complying with the aforesaid direction of this Court in the above mentioned writ petition, there is no whisper as to the aforesaid aspect which was specifically directed to be gone into by this Court.

17. On the other hand, the respondents by the impugned order has made a generalized statement without placing on record the number of students and the staff strength for them to claim that there is no need for sanctioning of additional post of Physical Education Teachers. Thus, the respondents have clearly abdicated the duty cast on them inspite of being directed by this Court in the aforementioned writ petition.

18. Further, even in the counter affidavit filed by the respondents, the respondents did not deny the claim made by the petitioner in the affidavit filed



in support of the writ petition as to the number of students studying in the sixth respondent school, for this Court to accept the claim of the respondent that the existing student-teacher ratio would not entitle the sixth respondent School to have one more Physical Education Teacher.

19. Since, the impugned order lacks the basic details as directed to be gone into by the coordinate Bench of this Court, this Court is of the view that the impugned order cannot be sustained.

20. Accordingly, this writ petition is allowed with the following directions:

- i. The impugned order dated 05.12.2020 in Na.Ka.No.7101/ A3/ 2019 passed by the fourth respondent, is set aside;
- ii. The matter is remitted back to the respondents authorities to comply with the directions contained in the order dated WP.MD.No.12371 of 2014, dated 27.08.2019 while considering the application made by the 6th respondent seeking approval for the appointment of the petitioner as Physical Education Teacher against the sanctioned vacancy which had fallen vacant on account of the existing teacher retiring from service on 31.05.2011, on attaining the age of superannuation.

No order as to costs.



20-02-2026

vum

Index: Yes/No

Speaking/Non-speaking order

To

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Education Department, Fort St George,
Chennai- 600 009.

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School education Dept. (Higher
Secondary) D.P.I. Compound, College
Road, Chennai- 600 006.

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Pre-Delivery Order made in

WP NO. 21492 of 2021

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(2/2)