



W.A.(MD).No.2064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.2064 of 2024
and
C.M.P.(MD)No.14728 of 2024**

- 1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
School Educational Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai.
- 3.The Joint Director of School Education,
Higher Secondary, DPI Compound,
College Road, Chennai.
- 4.The Chief Educational Officer,
Ramanathapuram District.
- 5.The District Educational Officer,
Ramanathapuram Educational District,
Ramanathapuram.

... Appellants

-VS-

- 1.A.Arockiam



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2.The Correspondent,
St. Arulanandar Higher Secondary School,
Oriyur,
Ramanathapuram Distirct.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.3069 of 2020, dated 09.01.2023.

For Appellants	: Mr.S.P.Maharajan, Special Government Pleader
For 1 st Respondent	: Mr.N.Shanmuga Selvam
For 2 nd Respondent	: Mr.V.Panneer Selvam

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.N.Shanmuga Selvam, learned counsel takes notice for the 1st respondent. Mr.V.Panneer Selvam, learned counsel takes notice for the 2nd respondent.

2.The Appeal is by the Government, challenge is to the order of the Writ Court, quashing the order passed by the second respondent dated 26.09.2019, refusing to upgrade one post of Physical Education Teacher in the second respondent School, since the School has got more than 400 students in the Higher Secondary Section. G.O.Ms.No.525, School Education Department, dated 29.12.1997, governs the situation. The guidelines for Physical Education Teachers as provided under the said G.O. reads as follows:-



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“II. High School (Standards IX to X)

a). The teacher – Pupil ratio of 1:40 will be followed. On this basis the following norms will be followed:

<i>Average attendance</i>	<i>No. of Posts</i>
<i>Upto 80</i>	<i>1.Head Master and 2 BT Assistants</i>

The third post will be given when the strength exceeds 60 and additional sections will be permitted in the slab of 40.

b).Eligibility for language teachers will be as follows:

<i>Total of Sections</i>	<i>No. of Language</i>
<i>In standards VI to X</i>	<i>Teachers post.</i>
<i>1)Upto 5</i>	<i>-- 1</i>
<i>2)6 to 10</i>	<i>-- 2</i>
<i>3)11 and above</i>	<i>-- 3</i>

c).When the strength in classes VI to X High Schools exceeds 250, one post of Physical Education Teacher will be sanctioned and for every additional strength of 3000, one additional post of Physical Education Teacher will be sanctioned subject to a maximum of 3.

IV.Higher Secondary Schools (11th and 12th standards)

a)The Norms will be 8 post graduate teachers for a Higher Secondary School with a minimum of two groups as follows:

<i>(i)For 2 groups</i>	<i>- 6 Post Graduate Assistants.</i>
<i>(ii)For English</i>	<i>- 1 Post Graduate Assistant.</i>
<i>(iii)or Tamil</i>	<i>- 1 Post Graduate Assistant.</i>

b) Additional post of post Graduate Assistant will be sanctioned based on work-load i.e., 24 hours of teaching per week.

c) Regarding bifurcation of a Standard, additional Section will be formed, when the strength exceeds 60 and so on in the slab of 40 as in the ease of High Schools.



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d) For Vocational stream, 2 posts of teachers (full time) will be sanctioned irrespective of the number of courses.

e) The Post Graduate Assistant for languages in the main stream will handle the language classes of vocational stream students also.

f) For schools with a strength of over 400, one post of Physical Director will be given by upgradation of existing post of physical Education Teacher.”

3.From the above G.Os., it is clear that if a School is a Higher Secondary School and the strength of students in the Higher Secondary Section is more than 400, one of the post of Physical Education Teacher shall be upgraded as Physical Director. A weird interpretation placed by the second respondent on the above Clauses of the G.O., to the effect that upgradation can happen only, if there are three Physical Education Teachers in the School, has been rightly rejected by the learned Single Judge. The very same question arose before the Hon'ble Division Bench of this Court in W.A.No.1997 of 2018 and the same contention was rejected by this Court. The said judgment has been confirmed by the Hon'ble Supreme Court also. S.L.P. against the said judgment has been dismissed by the Hon'ble Supreme Court on 25.03.2019.

4.Mr.S.P.Maharajan, learned Special Government Pleader would however draw our attention to G.O.Ms.No.73, dated 19.03.2010, wherein



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the same interpretation as adopted by the second respondent in the order impugned in the Writ Petition was set out. G.O.Ms.No.73 dated 19.03.2010, is not one amending G.O.Ms.No.525 dated 29.12.1997. The said G.O.Ms.No.73 relates to upgradation of a post in a particular School. It cannot have the effect of amending or modifying G.O.Ms.No.525. The language of G.O.Ms.No.525 is clear. If there are 400 and more students in a Higher Secondary Section of School, Physical Education Teacher will have to be upgraded as Physical Director, irrespective of the number of Physical Education Teachers available in the School.

5.Hence, the Writ Appeal fails and it is accordingly, dismissed. The respondents will upgrade the post of one Physical Education Teacher as Physical Director from the date of G.O.Ms.No.525 notionally and monitory benefits payable from the date of order in the Writ Petition. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
24.10.2024

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



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To

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