



W.P.(MD)No.4109 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.4109 of 2024

&

W.M.P(MD).Nos.3966 and 5391 of 2024

Correspondent

R.C.Little Flower Primary School

Melaputtur, Usilampatti

Madurai District

... Petitioner

Vs.

1.The District Educational Officer
(Elementary)

Tirumangalam, Madurai District

2.The Block Educational Officer
Usilampatti

Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned staff fixation issued by the 1st respondent District Educational Officer for the Academic year 2023-2024 in Na.Ka.No.3351/A2/2023 dated ..12.2023(received on 21.12.2023) quash the same in so far as rendering two Secondary Grade teachers as surplus with teachers.



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For Petitioner : Ms.A.Amala

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Writ Petition is filed seeking to issue a Writ of Certiorari calling for the records relating to the impugned staff fixation issued by the 1st respondent District Educational Officer for the Academic Year 2023-2024 in Na.Ka.No. 3351/A2/2023 dated ..12.2023 received on (21.12.2.2023), quash the same in so far as rendering of two Secondary Grade teachers as surplus with teachers, and pass such further or other suitable order.

2. The core contention of the learned counsel for the Petitioner is that the staff strength of the school has to be fixed in accordance with the students strength in a particular class and not by taking the whole school as a unit. Attention was drawn to the staff strength fixed for the year 2023-2024 wherein, vide impugned proceeding in Na.Ka.No.3351/A2/2023 dated ..12.2023 received on (21.12.2.2023) the 1st respondent has passed an order by placing two Secondary Grade Teachers as surplus and fixed the sanctioned strength in the cadre of Secondary Grade Teachers as stalled.



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3. Learned counsel Ms.A.Amala, appearing for the petitioner submitted that the school has got a total strength of 458 children who are distributed in various classes as under:

S.No	Standard	Students Strength	Eligible teachers	Teachers Working
1	I	81	3	2
2	II	101	4	3
3	III	69	3	2
4	IV	95	4	4
5	V	112	4	3
	Total	458	18	14

4. As per the RTE Act, the teacher student ratio should be 1:30. If the above norms is applied then the school may require 3 teachers for I standard, 4 teachers for II standard, 3 teachers for III standard, 4 teachers for IV standard and 4 teachers for V standard and in total 18 teachers. But, the petitioner was given with a strength of 14 teachers for the year 2022-2023 and now for the year 2023-2024, the sanctioned strength has been reduced to 12 by placing 2 teachers as surplus.



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5. Learned Mr.M.Siddharthan, learned Additional Government Pleader submitted that last year the school had total strength of 518 students and now the student strength has been reduced to 458 and hence there is a reduction in the staff strength also.

6. However, the learned counsel for the petitioner submitted that earlier the students staff strength was 1:40 and in this regard Government has also issued G.O.Ms.525 (School Education) dated 29.12.1997. Now the Government is very keen in providing quality education to the children and hence the teacher pupil ratio has been further improved as 1:30 from 1:40. There is no quarrel on the basis on which the students teachers ratio has been fixed and in pursuant to that G.O.Ms.231, School Education (C2) Department dated 11.08.2010 has been issued.

7. The only contentious point that has been raised before this Court is that while sanctioning the number of teachers whether the class has to be considered as one unit or whether the whole school should be considered as a unit for the purpose of sanctioning sufficient teachers.

8. Learned Additional Government Pleader drew the attention of this



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Court to the earlier judgment rendered by this Court in W.A.(MD).No.969 of

2017 dated 03.06.2020, wherein paragraphs 12 and 13 it is held as under:

12. *The entire case of the respondent rests on G.O.Ms.No.525 School Education(D1) Department dated 29.12.1997 as interpreted in Vigila's case. That is the sheet anchor of the impugned order passed by the learned Single Judge also. As already pointed out, the ground beneath has already shifted. That is why when a similar argument was canvassed before another learned Judge of this Court in (Y.Elizabeth Rani V. The Convener, Board of Elementary Education) reported in (2013) 1 MLJ 335, the learned Single Judge held as follows:*

“ 9. As rightly contended by the respondent, G.O.Ms.No.525 has no relevance in view of the subsequent G.O.Ms.No.231 dated 11.08.2010, which prescribed the required strength of teachers in respect of the students available in a school, under ' the Right of Children to Free and Compulsory Education Act 2009.’”

13. *In the typed set, the appellants have enclosed sufficient materials which show that the students' strength has been progressively coming down. From 113, it fell to 52 and then to 42 and then to 21. There was a marginal increase in the year 2014-15 and it went up to 25. But when the case was argued in the year 2017, the students' strength was 26. The claim that there must be 5 sanctioned teachers for catering to the students' strength of 26 is a luxury which our economy may not be able to afford.”*



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But even in the judgment no distinction has been made in respect of various standards in which the students have spread across. However, in the case involved in the above judgment, the entire strength of the school has fallen from 113 to 52 and then 42 to 21. There was a marginal increase in the year 2014-15 and it went up to 25. But when the case was argued in the year 2017, the students strength was 26 and hence in the year 2017, 5 teachers as claimed by the petitioner therein was denied.

9. In the instant case, the situation is bit different that there are children enrolled in each and every class from I to V standard but depends upon the number of teachers that can be sanctioned to handle classes for them. Earlier in the full bench judgment of this Court in ***Director of Elementary Education, Chennai and others Vs. S.Vigila and another***, reported in ***2006 (5) CTC 385***, it is held as under:

“ 9. To say the least, the G.O.Ms.No.525 dated 29.12.1997, particularly relating to the Elementary School, is not happily worded. It is not very clear from the aforesaid instruction as to whether teacher-pupil ratio of 1:40 should be fixed on the basis of students' strength in a particular standard or students' strength of the entire school in question



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irrespective of the number of Standards in a school. If such Government Order is to be understood in the manner in which it has been projected hitherto based on some observations here and there in W.A.No.1768 of 1998, certain startling consequences will follow. As is well known, elementary school consists of 5 standards i.e., from Standard I to V. If the minimum average strength of each standard is taken to be 20 (which was assumed to be the economic strength as apparent from the case made out before the Division Bench in W.A.No.1768 of 1998), total strength of the school would be 100 and as per the arithmetic formula projected, the school will have 3 teachers. If the average strength of each standard is less than 20 and the total students' strength is between 80 and 99, the school would have two teachers. Therefore, we have to imagine a situation where tender children studying in different standards, i.e., from standards I to V, will have to be managed by o two teachers if the strength is between 80 and 99 and with three teachers if the strength is between 100 and 139. It is indeed very difficult to imagine as to how 2 or even 3 teachers would "manage" as well as "educate" students



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of standards I to V simultaneously. It cannot be contemplated that any one teacher would be simultaneously teaching students of two separate standards or may be even 3 standards. It also cannot be imagined that some periods will be off for some of the Standards, in which event such children won't be under the control of any teacher, resulting in total chaos and the students becoming inevitable victims of unforeseen incidents. It is very difficult for us to visualise that while issuing such Government Order, the Government had contemplated in the aforesaid manner.

.....

22. As rightly observed by the latter Division Bench, the G.O.Ms.No.525 has to be interpreted in a meaningful manner keeping in view the background in which such G.O. came to be issued. As per the existing instructions applicable, the ratio of teacher was dependant upon students' strength in each individual standard, but it had been laid down that maximum strength in a particular section or a class should be 35 or 40. In other words, either no admission was required to be made in excess of 35 or 40 or if such admission was made taking relevant permission, an



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additional section was required to be created. In the context of the aforesaid background, the present G.O.Ms.No.525 indicates that an additional section is required to be created only when the students' strength in a standard becomes 60 or more. It is evident that G.O.Ms.No.525 has intended to change this aspect and that is the reason why it has been indicated that when the students strength becomes 100, a third teacher can be appointed. If it has to be understood that the ratio of 1:40 is to be maintained in respect of the entire school, it is not understood as to why it would be laid down in the G.O. that a third teacher would be available when the students strength reaches 100. In normal course, the third teacher would be provided only when the students strength reaches 120 and not 100. This is rather indicative of the fact that the G.O. was concerned about the creation of additional section. If the students' strength in a particular standard remains 60 and below, there is no necessity to create an additional section and the necessity to create additional section arises only when the student strength in a particular standard exceeds 60 and that is why it has been stated that if students' strength is further increased by 40



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more, another teacher would be sanctioned or would be required. The G.O. cannot be interpreted to do away with requirement of having at least one teacher for each standard or section (wherever creation of additional section is justified).

23. Keeping in view the various relevant aspects, we feel that G.O.Ms.No.525 dated 29.12.1997 should be interpreted in the following manner:-

(1) The ratio of students-teacher strength as indicated in the G.O.should be primarily considered by taking each individual standard/section as a unit.

(2) The minimum strength of teachers required obviously should not fall below the number of Standards/Section in a school. In other words, if there are five standards, obviously the minimum number of teachers should be five, out of which one would be the Headmaster.

(3) If the students' strength in a particular Standard exceeds 60, at that stage, an additional section is required to be created requiring the sanction of a second teacher and the strength reaches 100, the post of a third teacher is required.



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(4) *Even after maintaining the aforesaid ratio by*

taking into account the students strength of each individual standard and additional section, as the case may be, by keeping in view the teacher-students ratio 1:40 of the entire school if the teachers strength is required to be increased, the same has to be allowed, but in no case, the teachers strength should be less than the number of standards including the additional sections. If more teachers are thus sanctioned keeping in view the over all strength of the school, the authorities of the school should create additional section in respect of any particular Standard according to the need and convenience keeping in view the standard of education. This requirement is not only in respect of aided schools or Government schools, but also in respect of any private recognised school. In other words, this ratio is to be maintained for any school which requires recognition.

(5) It would be obviously open to the Government to formulate appropriate norms in consonance with the above observation and provisions of the constitution.”



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10. The above judgment states that the minimum strength of teachers required should not fall below the number of section per standard and if there are five standards the minimum number of teachers should be 5 and out of which one should be the Head Master. The students strength in a particular standard exceeds 60 at that stage an additional teacher is required to be sanctioned; if the strength reaches 100 the post of the third teacher is required. Even though at the relevant point of time the teachers students ratio was 1:40, it is held that the appointment of second teacher would arise only if the excess students above 40 cross 20 and confirmed that when the strength reaches 100, the third teacher will be required i.e., 40+40+20.

11. If the said logic is applied now in view of the modified G.O which governs teacher student ratio at 1:30 and in consequent thereof G.O.Ms.231, School Education (C2) Department dated 11.08.2010 is passed. If the students strength raises to 45 i.e., (30+15) in a class that would demand a creation of second class and hence the necessity of second teacher would arise. When the students strength exceeds 75 I.e., (30+30+15) that would demand the need for a third teacher. In view of the above, the petitioner claims the following teachers strength:



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S,No	Standard	Students Strength	Teachers working	Eligible Teachers
1	I	81=(30+30+21)	2	3
2	II	101 =(30+30+30+11)	3	3
3	III	69=(30+30+9)	2	2
4	IV	95=(30+30+30+5)	4	3
5	V	112 =(30+30+30+22)	3	4
	Total	458		15

But, however the Government has taken the whole of the students strength and fixed the students teachers ratio as under:

Number of students	Number of Teachers
Upto 60	2
Between 61 to 90	3
Between 91 to 120	4
Between 121 to 200	5
Above 150	51=1 HM
Between 201 to 240	6
Between 241 to 280	7
Between 281 to 320	8
Between 321 to 360	9
Between 361 to 400	10
Between 401 to 440	11
Between 441 to 480	12
	12+1Hm=13



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If the whole of students strength is taken by considering the school as one unit, the figure given by the Government is correct. But the Secondary Grade Teachers are eligible to take classes upto V standard. Though, the logic of applying the total strength may be beneficial to the Government, the quality of education should also be taken into consideration. The students of one standard accommodated in another standard where a Secondary Grade Teacher is holding a class. Similarly a V standard student cannot be accommodated in the I standard class when a teacher is meant to handle the I standard. So the Government should consider atleast to retain the teachers in order to enable the teachers to conveniently handle all the classes from I to V. The very object of bringing the RTE Act itself is to give quality education to the children by having a sufficient and comfortable teachers students ratio. If the same is interpreted in a manner that would defeat the very object would go detrimental to the interest of the children.

11. In view of the above said position, I feel it is a fit case where the respondents shall consider to allow atleast the sanctioned staffs who were existed in the previous year 2022- 2023 without marking the two teachers in the Secondary Grade Teachers as surplus and pass orders.



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12. Accordingly, the Writ Petition is disposed of with a direction to the Government to consider atleast retaining the 14 teachers in order to enable the teachers to conveniently handle all the classes from I to V. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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(Elementary)
Tirumangalam, Madurai District
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Usilampatti
Madurai District



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R.N.MANJULA, J.

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