



WP(MD) No.12617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12617 of 2024

and

W.M.P(MD)Nos.11243 & 11244 of 2024

Nehru National Higher Secondary School,

Rep by its Secretary/correspondent,

S.Bagavath Singh,

S/o.S.S.Sivamani,

Vadakankulam-627 116,

Tirunelveli District.

... Petitioner

Vs.

The Chief Educational Officer

O/o.The Chief Educational Officer,

Tirunelveli,

Tirunelveli District.

... Respondent



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of staff fixation in Na.Ka.No.6276/Aa3/2023, dated --.11.2023 signed on 21.12.2023 and the consequential order of deployment in Na.Ka.No. 6276/A4/2023 dated 30.05.2024 on the file of the Respondent and quash the same as illegal and consequently to direct the Respondent to retain Devi Parasakthi S, B.T.Assistant (English) in the petitioner school till the staff fixation for the academic year 2024-2025.

For Petitioner : Mr.S.Louis

For Respondent : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking a Writ of Certiorarified Mandamus to quash the impugned order of staff



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fixation in Na.Ka.No.6276/Aa3/2023, dated --.11.2023 signed on 21.12.2023 and the consequential order of deployment in Na.Ka.No.6276/A4/2023 dated 30.05.2024 of the Respondent and consequently, to direct the Respondent to retain Devi Parasakthi S, B.T.Assistant (English) in the petitioner school till the staff fixation for the academic year 2024-2025.

2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the staff fixation has fixed as given by the respondent for the academic year 2023-2024 itself is not in accordance with the students' strength available in the petitioner-school and the strength



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of the students will get increased in the ensuing academic year as well. One post of B.T Assistant English is held as surplus under the academic year 2023-2024. By anticipating more admissions for the academic year, the petitioner has filed this writ petition seeking to stay the said deployment order issued against the said post of B.T. Assistant (English) and by quashing the staff fixation alone for the year 2023-20-24 and by retaining the sanction for B.T. Assistant (English) in the petitioner-school.

5. The learned counsel for the petitioner submitted that the operation of the order of deployment can be kept in abeyance till end of August, 2024 during which time, the respondent can work out the appropriate sanctioned strength permissible to the petitioner-school and issue a fresh staff fixation proceeding. But as on today, the teacher who has been deployed and was holding the post of B.T. Assistant was held to be surplus as per the sanction order given for the year 2023-2024. If the deployment order is changed, then it would amount to retaining the post for which there



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is no sanction as on today. By not relieving the teacher who has deployed would only put the teacher into trouble in future for getting her salary for the period for which she was not relieved. It is obviously because the Government will be hesitant to release the funds to meet out the salary of the post which is in their opinion was surplus and to retain the said post without being deployed to some other school.

6. So in the present circumstances, I would only observe that the petitioner can give a representation to the respondents to reconsider the staff strength for retaining B.T. Assistant (English) depending upon the students strength available after admissions are over for this academic year and in the event of sanctioning one more B.T. Assistant (English) by rightly appreciating the demand of the petitioner-school, the teacher now deployed shall be redeployed to the petitioner-school without any fuss or confusion.



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7. With the above observations, this writ petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

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

RM



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To
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The Chief Educational Officer
O/o.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.12617 of 2024

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