



W.P.(MD).No.13816 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13816 of 2024

and

W.M.P.(MD)Nos.12155 and 12156 of 2024

The Secretary,
Subbarayalu Middle School,
Alwarpuram, Madurai – 625 002,
Madurai District.

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

2.The Director of Elementary Education,
College Road,
Chennai – 600 009.

3.The District Educational Officer,
(Elementary Education),
Madurai District.

4.The Block Educational Office,
Madurai North,
Madurai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned staff-fixation settled by the third respondent DEO for the academic year 2023-2024 vide proceedings in Na.Ka.No.3050/a1/2023 dated 22.12.2023 (received on --.01.2024) by holding 9 post of Secondary Grade teachers, 1 post of B.T.Assistant Social Science, 1 post of B.T.Assistant Science, 1 post of B.T.Assistant (Tamil) as surplus and the consequential impugned Government Order issued by the first respondent in G.O.Ms.No.139 School Education (Pa.Ka.5(1)) Department dated 19.06.2024 and subsequent impugned proceeding issued by the second respondent in Na.Ka.No. 4126/H/G/2024 dated 21.06.2024, quash the same, in so far as the petitioner's School is concerned.

For Petitioner : Ms.A.Amala

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by,
Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Ms.A.Amala, learned counsel for the petitioner and Mr.Veerakathiravan, learned Additional Advocate General, assisted by, Mr.T.Amjadkhan, learned Government Advocate for the respondents.



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2. The petitioner who is the private aided School has filed this Writ Petition seeking to quash the staff-fixation order dated 22.12.2023 (received on --.01.2024) settled by the third respondent for the academic year 2023-2024, by holding 9 post of Secondary Grade teachers, 1 post of B.T.Assistant Social Science, 1 post of B.T.Assistant Science, 1 post of B.T.Assistant (Tamil) as surplus and the Government Order of the first respondent in G.O.Ms.No.139 School Education (Pa.Ka.5(1)) Department dated 19.06.2024 and subsequent proceeding issued by the second respondent dated 21.06.2024.

3. Ms.A.Amala, learned counsel for the petitioner submitted that the Government Order in G.O.Ms.No.139 dated 19.06.2024 has been issued in complete violation of the Rule 32(b) of the Tamil Nadu Private Schools Regulation Rules, 2023. It is the submission of the petitioner that the Government Order itself ought not to have been given beyond the crucial date of 30.09.2023. But the Government Order has been issued on 19.06.2024, when the enrollment of the students for the next academic year is going on. So, it is apprehended by the petitioner that by virtue of the above Government Order, the surplus teachers in the



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petitioner School might be deployed to some other Schools without following the due procedure.

4. Mr.Veerakathiravan, learned Additional Advocate General for the respondents submitted that the counselling for this academic year has already been over and in fact none of the teachers from the petitioner School have been called for, for counselling and hence, there is no basis for this petition. It is further emphasis that as per the Government Order, unless the School Management and the individual teacher give their willingness for their deployment, the same cannot be done during counselling and hence, there is no need to challenge the rules.

5. Ms.A.Amala, learned counsel for the petitioner also did not have serious objection in case the rules are followed and neither the Management nor the teachers are compelled to participate in the deployment against their willingness.

6. The rules are followed even by abiding the crucial dates for conducting the counselling and releasing the list etc., it would not have



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been caused much trouble. However, it appears that in this year, the delay was due to the SLP pending before the Hon'ble Supreme Court and subsequent parliament elections. Since the extraordinary situations cannot be confused with the regular way and which the deployment procedure will be adopted hereinafter.

7. So far as the petitioner School and their staffs are not willing to participate in the counselling, there need not be any apprehension that they would be compelled by the respondents. Since the respondents also know very well that the rules will protect the interest of the aided schools and their staffs, there need not be any compulsion on their part as well in this regard.

8. Since the learned Additional Advocate General has also assured after getting instructions from the respondents that the rules would strictly follow and the deployment would be done only in accordance with the guidelines, I do not find any further orders except to record the submission so made during this proceedings.



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WEB COPY 9. With the above observations, this Writ Petition is **disposed of**.

No costs. Consequently, connected miscellaneous petitions are closed.

04.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of Elementary Education,
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R.N.MANJULA, J.

Nsr

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