



W.P.(MD)No.14622 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14622 of 2024

and

W.M.P.(MD).No.12822 and 12823 of 2024

Kovilpatti Nadar Uravinmurai Sangam,
Represented by its Secretary,
S.R.Jeyabalan

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai-600 006.

2.The District Educational Officer (Elementary),
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Staff Fixation Order issued by the second respondent vide his proceedings in Na.Ka.No.2479/A54/2023, dated 21.12.2023 and quash the same and consequently direct the second respondent to reconsider the Staff Fixation Order vide representations dated 06.06.2024 and 28.06.2024.



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For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.C.Mayilvahana Rajendran, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

3. This Writ Petition has been filed challenging the impugned Staff Fixation Order issued by the second respondent vide his proceedings in Na.Ka.No.2479/A54/2023, dated 21.12.2023 and consequently to direct the second respondent to reconsider the Staff Fixation Order vide representations dated 06.06.2024 and 28.06.2024.

4. The staff strength pertains to the academic year 2023-2024. The petitioner / School has got a total strength of 727 students in Classes I to V and 1373 students in Classes VI to VIII. The petitioner School has been given with



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total staff strength of 40 Teachers by considering 12 Teachers as surplus.

Originally, the petitioner School was sanctioned with 53 Teachers and 11 Teachers were found to be surplus during the Staff Fixation pertaining to the year 2022-2023. During the current academic year, one more post in the working staff strength has been added to surplus staff and one more vacant post is also declared as surplus. As such, the petitioner School has been given only with 40 Teachers.

5. Mr.C.Mayilvahana Rajendran, learned counsel appearing for the petitioner submitted that as per the Right to Education Act, 2009, for Classes I to V, the student Teacher ratio would be 1:30 and when the students strength exceeds 150 and then, 200, the total eligible teaching staff strength would be 5 +1 Head teachers. If the pupil strength exceeds 200, then, the Government has to ensure that the pupil Teacher ratio should not exceed 1:40.

6. According to the respondents, if the total strength of 727 in Classes I to V is taken, then, the eligible staff strength upto 200 would be 6 + 1 teachers and for the remaining 527/40 is 13 teachers. Sofaras Classes VI to VIII are concerned, the pupil Teacher ratio is adopted as 1:35 by dividing the total strength of 645 students by 35, the teacher strength is arrived at $18+1 = 19$



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teachers. So it is justified by the learned counsel for the petitioner that the staff strength already fixed for the petitioner School is only in accordance with the strength.

7. Mr.C.Mayilvahana Rajendran, learned counsel appearing for the petitioner submitted that in the academic year, there are three teachers posts are going to be vacant even among the sanctioned post in view of the ensuing superannuation. It is further stated that the strength of the School has been taken as an Unit instead of taking the Classes as a Unit for working out to the pupil teacher ratio.

8. In this regard, it is appropriate to refer to the earlier decision of this Court in W.P.(MD).No.13688 of 2024, dated 26.06.2024 and the relevant portions in the said judgment are extracted hereunder:

“12.To add more clarity, it should be taken that if at all the Teachers strength is going to be reduced for any reason, then the Government has to ensure a situation which will not result in allowing one Teacher to handle more than 40 students. The whole object of Right to Education Act is to improve standards and quality of education and keep up excellence. So the action of the authorities shall not be in a way to defeat the very object of the Act. In rendering



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two Teachers in the petitioner School as surplus is a wrongful exercise. When there is a possibility for the student strength to increase during this academic year, it is unfortunate to reduce the teachers also. 13. Since the petitioner's representation in this regard is pending, the respondents shall consider the same positively, in the light of the above observations and pass orders for refixing the Teacher strength in the petitioner School as 18, by reversing the surplus.”

9. So, it is reiterated that the requirement of teachers for schools exceeding students strength of 200 to ensure the maximum of 40 students per teacher, but, the respondents have considered that the minimum strength of one teacher. In view of the ensuing vacancies due to superannuation and also the admission that might have taken place in the year, but, also taking into consideration of the new enrolment, the representation of the petitioner can be considered and pass appropriate orders by revising the staff strength that has already been permitted for the academic year 2023-2024. Since a fresh fixation is going to be done for the academic year 2024-2025, the representation of the petitioner shall be considered and pass orders in the light of the observations made by revising the staff strength. Till then, the existing Teachers, who are working in the petitioner School may be allowed to continue without any deployment.



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WEB COPY 10. In view of the above, the Writ Petition stands **disposed of** with a direction to the second respondent to reconsider the Staff Fixation Order vide representations dated 06.06.2024 and 28.06.2024 and pass appropriate orders on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

03.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Director of Elementary Education,
College Road,
Chennai-600 006.

2.The District Educational Officer (Elementary),
Kovilpatti,
Thoothukudi District.



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R.N.MANJULA, J.

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