



W.P.(MD)No.16793 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16793 of 2023
and WMP(MD)Nos.17463, 14027 & 14029 of 2023

The Correspondent
R.C.Middle School,
K.Pudur, Madurai,
Madurai District-625 007.

.. Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.

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

3.The District Education Officer,
Melur,
Madurai District.

4.The Block Educational Officer,
Madurai West,
Madurai District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned staff fixation issued by the 3rd respondent District Educational Officer for the academic Year 2022-2023 in Na.Ka.No.502/A1/2022 signed on 14.06.2023, quash the same in so far removing single post of BT Assistant Mathematics and further direct the 3rd respondent District Educational officer to restore forthwith the single post of BT Assistant Mathematics in the staff fixation for the academic year 2022-2023.

For Petitioner : Ms.A.Amala

For Respondents : Mr.T.Amjadkhan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the impugned staff fixation issued by the 3rd respondent District Educational Officer for the Academic Year 2022-2023 in Na.Ka.No.502/A1/2022 signed on 14.06.2023 and consequently to direct the 3rd respondent District Educational officer to restore the same.



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2. Heard Ms.A.Amala, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

3. The petitioner School has challenged the staff fixation order made for the academic year 2022-2023 in respect of BT Assistant (Mathematics). Through the said staff fixation, the petitioner school has not been given with any post for BT Assistant (Mathematics). The learned counsel for the petitioner submitted that during the relevant point of time there are 481 students in the petitioner School. She further submitted that the norms and standards for the school as per the schedule under the Right of Children to Free and Compulsory Education Act, 2009, would contemplate for VI to VIII standard as under:

1. Atleast one teacher per class so that there shall be one teacher each for:

- (i) Science and Mathematics
- (ii) Social studies
- (iii) Languages.

2. At least one teacher for every 35 students.

3. Where admission of Children is above 100,

- (i) a full time head-teacher
- (ii) part time instructors for



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- A. Art Educational
- B. Health and Physical Educational
- C. Work Education.

4. As per the student strength it is stated that there are 5 classes in VI standard and 6 classes in VII standard and 5 classes in VIII standard, totally 16 Sections for 481 students. Even if one teacher is allotted per 35 students, the subject teacher strength for the student studying in the relevant point of time would come to nearly 14 teachers. However, the sanction has been accorded in the level of BT Assistant would be 5 which is totally disproportionate to the total student strength at the relevant point of time.

5. In view of the same, the 3rd respondent is directed to consider and pass appropriate orders by refixing the staff strength during the relevant point of time by taking into consideration of the number of student strength and the object and purpose of the Act and the guidelines stated therein for according sanctioned posts of additional teachers, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

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

PJL

To

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R.N.MANJULA, J.

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