



W.P.(MD).No.12913 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.12913 of 2018

and

W.M.P.(MD)Nos.11800 and 11801 of 2018

The Correspondent,
St. Joseph Middle School,
Valanoor, Kanyakumari District.

... Petitioner

Vs.

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

2.The District Elementary Educational
Officer,
Nagercoil-629 001,
Kanyakumari District.

3.The Additional Assistant Elementary
Educational Officer, Munchirai,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned staff fixations settled by the 2nd respondent District Elementary Educational Officer for the academic year 2016-2017 dated 25.04.2017 respectively, quash the same, in so far as it renders one post of Secondary Grade teacher and one post of Sewing Mistress in the petitioner school as surplus.



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For Petitioner : Mr.K.Ragatheesh Kumar,
For M/s.Issac Chambers

For Respondents : Mr.Ohm Prakash,
Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the impugned staff fixation settled by the 2nd respondent District Elementary Educational Officer for the academic year 2016-2017 dated 25.04.2017 respectively, quash the same, in so far as it renders one post of Secondary Grade teacher and one post of Sewing Mistress in the petitioner school as surplus.

2. Heard, Mr.K.Ragatheesh Kumar, For M/s.Issac Chambers, learned counsel appearing for the petitioner, Mr.Ohm Prakash, learned Government Advocate appearing for the respondents and carefully perused the materials available on record.

3. The petitioner school is an aided middle school administered by the corporate management namely, the Roman Catholic Diocese of Kuzhithurai at Kanyakumari District. While fixing staff fixation during the academic year 2016-17, one post of Sewing Mistress and one post of Secondary Grade



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Teacher were rendered surplus by the impugned staff fixation dated 25.04.2017. Challenging the same, this writ petition came to be filed.

4. The matter is no more *res integra* and it has already been held by the Hon'ble Division Bench of this Court in **W.A.(MD)No.228 of 2023 dated 22.08.2024**, in which one of us was a party (Hon'ble.Mrs.Justice.L.Victoria Gowri), wherein the Hon'ble Division Bench of this Court has dealt with a case of a single post of a Sewing Teacher in a Girls School which is held to be mandatory, and the relevant portion of the same is extracted as follows:

2. Though it is vehemently contended that the students strength does not permit appointment of a Sewing Teacher since it is below 250, we are unable to accede to the submission of the learned Special Government Pleader because this Court had repeatedly held that in a case of a single Teacher that too a Sewing Teacher in a Girls School which is held to be mandatory, the students strength does not really count. While doing so, the Division Bench of this Court in Chief Educational Officer, Virudhunagar District and another vs. D.Gnana Theepa Rani and another(W.A(MD)No.675 of 2024, dated 15.04.2024), has held as follows:

“8.The post of Pre-Vocational Instructor is a stand alone post, that has been sanctioned for the second respondent School and that the single post in the subject



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Sewing is compulsory for the girl students. Without a single Teacher, the girl students cannot be thought in the said subject. Even when there is any vacancy in staff fixation strength, it can be done only in respect of Teachers for general subjects and that it could be adjusted between Secondary Grade Teacher, BT Assistant and PG Assistant, but, however, in so far as the special Teachers are concerned, particularly, like the post of Sewing Teacher, Physical Instructor and so on, these posts are sanctioned only due to the fact that atleast single Teacher is compulsorily required to teach the students on the special subjects. Therefore, the contention that since students strength had fallen below 250 in number and therefore, even the single post could be rendered as surplus, cannot be accepted for the simple reason that without any Teacher for the special subjects, the girl students, who are studying in the School, cannot be thought, which has been taken note of by several orders by the other Division Benches and invariably directions have been issued to the State to approve those posts, which has been filled up in the sanctioned post.”

3. In view of the above categorical pronouncement of the Division Bench wherein the judgment of another Division Bench State of Tamil



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Nadu and others vs S.Ranganayagi and another (W.A(MD)No.1207 of 2016) is relied on, we do not see any reason to interfere with the order of the learned single Judge. The writ appeal fails and it is accordingly, dismissed. The appointment of the first respondent shall be approved and all monetary benefits shall be paid to her within a period of twelve weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected Miscellaneous Petition is closed.

5. Following the said judgment, this Court is of the considered view that the stand-alone post of sewing mistress is compulsory for the students and without a single teacher, the students cannot be imparted knowledge in the said subject and such a post cannot be rendered surplus.

6. In view of the same, the impugned staff fixation pertaining to the stand-alone post of Sewing Mistress is hereby quashed. As far as the Secondary Grade Teacher is concerned, despite the presence of three sections from standard VI to VIII, and the school is eligible for two secondary grade teachers but the 2nd respondent has rendered one among the two secondary grade teacher posts as surplus. In view of the same, that portion of the impugned order is hereby quashed and the matter is



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remanded back for re-consideration, and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

12.11.2024

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

To

- 1.The Director of Elementary Education,
College Road, Chennai-600 006.
- 2.The District Elementary Educational
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L.VICTORIA GOWRI, J.

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