



WEB COPY

W.P.(MD) No.22046 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22046 of 2018

and

W.M.P.(MD) Nos.20001 & 20002 of 2018

The Correspondent
Diocese of Madurai &
Ramnad Girls High School
North Masi Street, Madurai
Madurai District-625 001

... Petitioner

-VS-

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

2.The Chief Educational Officer
Madurai-625 001
Madurai District

3.The District Educational Officer
Madurai, Madurai-625 001
Madurai District

... Respondents



WEB COPY

W.P.(MD) No.22046 of 2018

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the proceedings of the third respondent District Educational Officer in Na.Ka.No.356/A3/2016 dated11.2016 (signed on 24.12.2016) and Na.Ka.No.4629/A3/2017 dated ... 10.2017 (signed on 12.01.2018) settling the Staff Fixation for the petitioner-school for the year 2016-2017 and 2017-2018, quash the same in so far as it renders 3 teaching posts viz. 1 Physical Education Teacher, 1 Pre-Vocational Instructor (Sewing) and 1 Music Teacher as surplus.

For Petitioner : Ms.M.F.Rooshi Mass
for M/s.Isaac Chambers

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The petitioner – School has challenged the staff fixation orders for the years 2016-2017 and 2017-2018.



W.P.(MD) No.22046 of 2018

WEB COPY

2. Under the impugned orders, three teaching posts, namely, one Physical Education Teacher, one Pre-Vocational Instructor (Sewing) and one Music Teacher, were held to be surplus.

3. Learned counsel for the petitioner drew the attention of this Court to the order dated 11.04.2018, passed by the learned Single Judge of this Court in W.P.(MD) No.1352 of 2015 in the case of ***The Correspondent, St.Joseph's Middle School, Sarugani, Sivagangai District vs. The Director of Elementary Education and others*** as well as the decision rendered by the Honourable Division Bench of this Court, dated 15.04.2024 in W.A.(MD) No.675 of 2024 in the case of ***The Chief Educational Officer and another vs. D.Gnana Theeba Rani and another*** and would submit that since the subject posts are single cadre posts, the respondents cannot treat them to be surplus under the staff fixation orders. She also drew the attention of this Court to the impugned orders.

4. A counter affidavit has also been filed by the respondents denying the contentions of the petitioner.



W.P.(MD) No.22046 of 2018

WEB COPY

one Music Teacher, holding them as surplus, are hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order, after giving due consideration to the decisions relied upon by the learned counsel for the petitioner, referred to supra.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

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

krk

To:

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
Madurai-625 001,
Madurai District.
- 3.The District Educational Officer,
Madurai, Madurai-625 001,
Madurai District.

Page 5 of 7



WEB COPY



W.P.(MD) No.22046 of 2018



WEB COPY



W.P.(MD) No.22046 of 2018

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.22046 of 2018
and
W.M.P.(MD) Nos.20001 & 20002 of
2018

27.08.2024