



W.P.(MD).No.16998 of 2018

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 05.11.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.16998 of 2018**

**and**

**W.M.P.(MD)No.14988 and 14989 of 2018**

The Correspondent,  
Christ the King High School,  
Piracode, Fathima Nagar,  
Kanyakumari District-629 160.

... Petitioner

Vs.

1.The Director of School Education,  
College Road, Chennai-600 009.

2.The Chief Educational Officer,  
Kanyakumari at Nagercoil,  
Kanyakumari District.

3.The District Educational Officer,  
Kuzhithurai, 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 – Fixation settled by the 3<sup>rd</sup> respondent DEO for the academic year 2017-2018 vide proceedings in Na.Ka.No. 5559/A4/2017 dated 16.10.2017 respectively, quash the same, in so far as it renders one post of Tamil Punditt in the petitioner school as surplus is concerned.



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

For Respondents : Mr.T.Amjad Khan,  
Government Advocate

**ORDER**

The prayer of the writ petition reads as follows:

*“This writ petition has been filed to call for the records relating to the impugned Staff – Fixation settled by the 3<sup>rd</sup> respondent DEO for the academic year 2017-2018 vide proceedings in Na.Ka.No.5559/A4/2017 dated 16.10.2017 respectively, quash the same, in so far as it renders one post of Tamil Punditt in the petitioner school as surplus is concerned.”*

2. Heard, Mr.K.Ragatheesh Kumar, for M/s.Isaac Chambers, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents and carefully perused the materials available on record.

3. Challenging the impugned staff fixation order dated 16.10.2017, the petitioner school is before me. The petitioner school is an aided recognized minority educational institution owned and administered by the corporate



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management, namely, Roman Catholic Diocese, Kuzhithurai. The said school was established as a primary school in 1952, upgraded as High School in 1980 and now it is offering education from Standards VI to X and the medium of instruction is Tamil. There are as many as eight sections from classes VI to X, 17 teachers are working including two Tamil Panditts.

4. While being so, the staff fixation dated 16.10.2017 for the academic year 2017-2018 made by the 3<sup>rd</sup> respondent rendered one among the two existing Tamil language teachers as surplus negating the existence of as many as eight sections. The G.O.Ms.No.525 of the School Education Department dated 29.02.1997 as mandated the eligibility for language teachers as follows in clause III(b) for Standards VI to X and the same is extracted as follows:

b) Eligibility for Language teachers will be as follows:

| Total of Sections in<br>Standards VI to X | No. of Language<br>Teacher Posts. |
|-------------------------------------------|-----------------------------------|
| (i) Upto 5                                | 1                                 |
| (ii) 6 to 10                              | 2                                 |
| (iii) 11 and above                        | 3                                 |



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5. A careful perusal of the impugned staff fixation order would make it clear that despite mentioning the total number of sections from class VI to X as 8 one among the two existing Tamil language teachers have been rendered surplus. Obviously, in terms of the said G.O. as extracted above when the total number of sections in standard VI to X, is more than 5 and less than 10, the number of teachers should be two. Despite the presence of eight sections rendering one among the two existing Tamil language teachers as surplus is contrary to the mandates of the aforesaid G.O. In view of the same, the impugned order is quashed.

6. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**05.11.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Director of School Education,  
College Road, Chennai-600 009.

2.The Chief Educational Officer,  
Kanyakumari at Nagercoil,  
Kanyakumari District.



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3.The District Educational Officer,  
Kuzhithurai, Kanyakumari District.



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**L.VICTORIA GOWRI, J.**

Sml

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