



W.P.(MD)No.5647 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.5647 of 2017

Everest Mariyappa Nadar
Higher Secondary School
Represented by its Secretary,
Jothi Nagar, Kovilpatti
Tuticorin District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

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

3.The Chief Educational Officer,
Tuticorin,
Tuticorin District.

4.The District Educational Officer,
Kovilpatti,
Tuticorin District.

... Respondents

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 third respondent herein in Mu.Mu.No.



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4871/Aa3/2016, dated 24.12.2016 and the consequential proceedings issued by the third respondent herein in Na.Ka.No.877/A3/2017, dated 15.03.2017, Quash the same and further direct the respondents herein to sanction 5 secondary Grade BT Assistant Teacher Posts, 4 BT Assistants, 1 Post Graduate Assistant (Physics), 1 Post Graduate Assistant (Chemistry), 1 Post Graduate Assistant (Economics), 1 Post Graduate Assistant (Commerce), 1 Post Graduate Assistant (Tamil), 1 Post Graduate Assistant (English), 1 Tamil Pandit, 1 Physical Director and 1 Laboratory Assistant posts to the petitioner-school by refixing the staff fixation of the petitioner school as per the norms fixed under Right of Children to Free and Compulsory Education Act, 2008 and G.O.(Ms).No.525, (School Education) dated 29.12.1997.

For Petitioner : Mr.E.V.N.Siva

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

ORDER

The petitioner is a Non-Minority Institution. They have challenged the staff fixation issued by the third respondent by its proceedings dated 24.12.2016 and the consequential proceedings dated 15.03.2017.

2. The petitioner had sought for refixation of staff strength for the purpose of deployment of Teachers through a Letter, dated 17.03.2016 and the same has been rejected under the impugned proceedings dated 24.12.2016 and 15.03.2017.



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3. The respondents have filed their counter.

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4. Mr.E.V.N.Siva, learned counsel appearing for the petitioner drew the attention of this Court to the request made by the petitioner for refixation of staff strength and for redeployment of surplus Teachers from other Schools to the petitioner / School. He also drew the attention of this Court to the impugned proceedings dated 24.12.2016 and 15.03.2017 and would submit that by non-application of mind to the request made by the petitioner, the third respondent has rejected the request by giving the reason that the petitioner is not entitled for any grant / aid. He would submit that the petitioner never sought for any financial aid from the third respondent in their request for “refixation of staff strength and for redeployment of surplus Teachers from other Schools”.

5. Even though counter has been filed by the respondent. The said counter does not refer to the fact that the petitioner never sought for financial aid from the respondents in the request for “refixation of staff strength and for redeployment of surplus Teachers from other Schools”. By total non application of mind to the request made by the petitioner, the impugned proceedings dated 24.12.2016 and 15.03.2017 has been passed by the third respondent and therefore, necessarily the impugned proceedings have to be



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quashed and the matter is remanded back to the third respondent for fresh consideration of the petitioner's request for refixation of staff strength and for redeployment of surplus Teachers from other Schools to their School as per the petitioner's representation dated 17.02.2016 on merits and in accordance with law within a time frame fixed by this Court.

6. Accordingly, the impugned proceedings of the third respondent dated 24.12.2016 and the consequential proceedings of the third respondent dated 15.03.2017 are hereby quashed and the matter is remanded back to the third respondent for fresh consideration on the petitioner's request dated 17.03.2016 seeking for “refixation of staff strength for the petitioner's School and for redeployment of surplus Teacher from other Schools to the petitioner's School” based on the present students strength within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands **allowed**. No costs.

06.08.2024

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



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To

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ABDUL QUDDHOSE, J.

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