



W.P.(MD) No.22511 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22511 of 2019

and

W.M.P.(MD) No.19292 of 2019

The Correspondent
Mary Immaculate High School
Kovalam Road, Cape Comorin
Kanyakumari District-629 702

... Petitioner

-VS-

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

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

3.The Chief Educational Officer
Kanyakumari District at Nagercoil
Kanyakumari District

4.The District Educational Officer
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorari calling for the records relating to the impugned order issued



W.P.(MD) No.22511 of 2019

WEB COPY

by the second respondent in Mu.Mu.No.12735/E4/2018 dated 05.10.2019,
quash the same insofar as the petitioner is concerned.

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

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed challenging the staff fixation order of the second respondent for the year 2018-2019 pertaining to the posts of Physical Education Teacher and Sewing Teacher, which have been declared as surplus.

2. The petitioner has challenged the declaration that the posts of Physical Education Teacher and Sewing Teacher as surplus, on the ground that since they are single cadre posts, they cannot be declared as surplus.

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



W.P.(MD) No.22511 of 2019

WEB COPY

4. However, law is well settled by various decisions rendered by this Court that in case of single cadre post, they cannot be declared as surplus. Admittedly, the posts of Physical Education Teacher and Sewing Teacher, which have been declared as surplus under the impugned staff fixation order, are single cadre posts. In view of the same, the impugned staff fixation order pertaining to the posts of Physical Education Teacher and Sewing Teacher, which have been declared as surplus, have to be set aside by this Court.

5. Accordingly, the impugned staff fixation order of the second respondent, dated 05.01.2019, pertaining to the year 2018-2019, for the petitioner – School with regard to the declaration of the posts of Physical Education Teacher and Sewing Teacher as surplus, is hereby set aside and this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

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

krk



W.P.(MD) No.22511 of 2019

WEB COPY

To:

- 1.The Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Nagercoil, Kanyakumari District.



WEB COPY



W.P.(MD) No.22511 of 2019

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.22511 of 2019
and
W.M.P.(MD) No.19292 of 2019

24.10.2024