



W.P(MD)No.915 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.915 of 2017
WMP(MD) Nos.760 & 761 of 2017

The Secretary,
Gaffoor Middle School,
Pettai – 627 004,
Tirunelveli District.

... 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 Elementary Education,
College Road,
Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Tirunelveli District at Tirunelveli.
- 4.The Assistant Elementary Educational Officer,
Tirunelveli Town,
Tirunelveli District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 3rd respondent District Elementary Educational Officer dated 01.02.2016 (settling the Staff Fixation for the petitioner school for the year 2015-2016), quash the same insofar as they rendered four posts of secondary grade teacher as surplus in the petitioner school.

For Petitioner	: Mr.S.Xavier Rajini,
For R1 to R3	: Mr.K.Balasubramaniam Special Government Pleader

ORDER

The Secretary of aided School, namely, Gaffoor Middle School, Tirunelveli District has filed this writ petition, as against the proceedings of the third respondent, dated 01.12.2016, settling the staff fixation for the petitioner school for the year 2015-2016.

2.The petitioner School was originally established as a primary School in the year 1901 and it was upgraded as Middle School in the year 1990. A formal recognition was also given to the



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petitioner School from the academic year 1995-1996. The state Government's financial assistance was also provided to the petitioner School towards staff salary. At the time of filing of this writ petition, there were seven teachers including one Headmistress. The total student-strength of the School is 113. Though the Government has announced revised norms on teacher-student ratio in G.O.Ms.No. 525, School Education(D1), dated 29.12.1997, with effect from 01.06.1998, the respondents have not sanctioned any additional posts to the petitioner's School. While so, the District Elementary Educational Officer, Tirunelveli has issued the annual staff fixation for the year 2015-2016, vide proceedings, dated 01.02.2016. The petitioner School has filed this writ petition in the year 2017, relying upon the Government order in G.O.Ms.No.525, School Education(D1), dated 29.12.1997 and the orders of the Honourable Full Bench of this Court in Vigila's case.

3. When this writ petition is taken up for final hearing today (04.11.2024), it is reported that the issue is no longer *res*



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integra that the Division Bench of this Court has already held that G.O.Ms.No.525, School Education(D1), dated 29.12.1997, has no relevance in view of the subsequent G.O.Ms.No.231 dated 11.08.2010 and following the said ratio laid down by the Honorable Division Bench reported in ***Y.Elizabeth Rani V. The Convener, Board of Elementary Education***) reported in (2013) 1 MLJ 335, the Division Bench has held as under.

12. The entire case of the respondent rests on G.O.Ms.No.525 School Education(D1) Department dated 29.12.1997 as interpreted in Vigila's case. That is the sheet anchor of the impugned order passed by the learned Single Judge also. As already pointed out, the ground beneath has already shifted. That is why when a similar argument was canvassed before another learned Judge of this Court in (Y.Elizabeth Rani V. The Convener, Board of Elementary Education) reported in (2013) 1 MLJ 335, the learned Single Judge held as follows:-



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“9. As rightly contended by the respondent, G.O.Ms.No. 525 has no relevance in view of the subsequent G.O.Ms.No.231 dated 11.08.2010, which prescribed the required strength of teachers in respect of the students available in a school, under 'the Right of Children to Free and Compulsory Education Act 2009'.

13. In the typed set, the appellants have enclosed sufficient materials which show that the students' strength has been progressively coming down. From 113, it fell to 52 and then to 42 and then to 21. There was a marginal increase in the year 2014-15 and it went up to 25. But when the case was argued in the year 2017, the students' strength was 26. The claim that there must be 5 sanctioned teachers for catering to the students' strength of 26 is a luxury which our economy may not be able to afford.

14. We went through the affidavit filed in support of the



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writ petition by the school correspondent. A substantial portion of the affidavit has been devoted to setting out the bitter litigation between him and the rival parties. The respondent had filed O.S.No.217 of 1997 before the Principal District Munsif Court, Srivilliputhur. He then filed O.S.No.598 of 2005 before the very same Court. There was an interlocutory application filed in I.A.No. 1961 of 2005. It was dismissed on 06.11.2006. Questioning the same, C.M.A.No.3 of 2007 was filed before the Sub Court, Srivilliputhur. His rival filed C.R.P.No.450 of 2009 before the High Court. In the meanwhile, W.P.(MD)No.6063 of 2006 and W.P.(MD) No.1045 of 2008 came to be filed. The respondent filed W.P.(MD) No.6161 of 2008 and W.P.(MD)No.9463 of 2008. Alleging violation of the interim order granted by the High Court in the last writ petition, he filed Cont.P. (MD)No.3 of 2009. Thus the energies of the respondent have been expended for retaining his position at the helm of affairs of the school even as the students



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strength was depleting fast. The school is now under direct payment system. We cannot help remarking that the respondent with his rich experience in litigation can start a law college.

15. The precious financial resources of the Government cannot be frittered away by financially supporting institutions which are over-staffed but having poor students' strength. The issues relating to staff strength will have to be determined only with reference to G.O. (Ms).No.231 School Education(C2) Department dated 11.08.2010 as amended from time to time. In as much as the subsequent developments have not been taken in account, the order impugned in this appeal suffers from a clear error. We have no hesitation to set aside the order impugned in the writ appeal.”

4.The learned counsel for the petitioner School states that the students strength of the Institution is now increased and



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therefore, the Department is bound to review the teachers strength depending upon the students ratio, as per the Right of Children to Free and Compulsory Education Act 2009.

5.In view of the decision taken by the Honourable Division Bench of this Court as stated supra, this writ petition is dismissed. Considering the submission made on behalf of the petitioner School that the student strength of the petitioner School has now been increased, it is always open to the petitioner School to inform the same to the respondents, at the time of reviewing the student strength and the respondents shall provide adequate teachers to the petitioner School, as per Right of Children to Free and Compulsory Education Act 2009. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC :Yes/No
Index :Yes
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To

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B.PUGALENDHI, J.

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