



WA(MD). No.304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 27/03/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

AND

THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

**WA(MD). No.304 of 2023 and
CMP(MD) No.3458 of 2023**

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 600 006.

3.The Chief Educational Officer,
Tirunelveli
Tirunelveli District

4.The District Educational Officer,
Sankarankoil
Tirunelveli District

: Appellants/Respondents

Vs.

The Secretary
Vaniga Vaisya Sanga High School
Sankarankoil 627 756
Tirunelveli District

: Respondent/Writ Petitioner



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PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 07.09.2022 passed in W.P(MD)No.17989 of 2019.

For Appellants : Mr.J.Ashok for
Addl. Government Pleader
For Respondent : Mr.Ragatheeshkumar for
M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was delivered by S.SRIMATHY, J.)

The writ appeal is directed against the order of the writ Court dated 07.09.2022 passed in WP(MD) No.17989 of 2019. In the said writ petition, a challenge was made to the impugned order of the respondents/appellants, wherein, the request of the writ petitioner to convert the post of Sewing Teacher to Physical Education Teacher was turned down. The writ Court, considering the students strength in the writ petitioner school and on the undertaking given by the writ petitioner that they have no objection in surrendering the Sewing Teacher Post, has directed the appellants to sanction forthwith a post of Physical Education Teacher as per G.O.Ms.No.525 dated 29.12.1997. The writ Court further held that while sanctioning the Physical Education Teacher, the authorities shall accept the surrender of Sewing Teacher post. The appellants are aggrieved by the said direction.



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2. The learned Additional Government Pleader would submit that the Sewing Teacher post cannot be converted into a Physical Education Teacher.

3. Heard the learned Additional Government Pleader for the appellants and the learned counsel for the respondent/writ petitioner.

4. It is not in dispute that the respondent school is having a Sewing Teacher post. However, the school is seeking a Physical Education Teacher by converting the post of Sewing Teacher. A perusal of the order of the writ Court would go to show that a direction was issued to the respondent school to surrender the post of Sewing Teacher. It is brought to the notice of this Court that the school is having 304 students. As per G.O.Ms.No.525 dated 29.12.1997 and G.O.Ms.No.231, considering the students strength, the Director of School Education is empowered to grant a post of Physical Education Teacher. Since the post of Physical Education Teacher is a separate post, the post of Sewing Teacher need not be converted. Hence, the application of the respondent school shall be considered afresh.



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5. Accordingly, the respondent school shall surrender the post of Sewing Teacher to the Director of School Education. Since the students strength is available, the respondent school is entitled for a Physical Education Teacher. Therefore, the Director of School Education is directed to grant one post of Physical Education Teacher. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of the judgment.

6. With the above observation and direction, the order of the writ Court is modified to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

27.03.2025

NCC : Yes/No

Index : Yes/No

RR



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ORDER
IN
WA(MD) No.304 of 2023

Date : 27/03/2025