



W.A(MD)No.2568 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)No.2568 of 2025

and

C.M.P(MD)No.14662 of 2025

- 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,
Thoothukudi,
Thoothukudi District.
- 4.The District Educational Officer,
Thoothukudi,
Thoothukudi District.

... Appellants

Vs.

The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi-628 001,
Thoothukudi District.

... Respondent

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.4744 of 2025 dated 25.03.2025 on the file of this Court.



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For Appellant : Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.J.Ashok
Additional Government Pleader
For Respondents : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.)**

The State is the appellant and has challenged the order passed by the writ Court on 25.03.2025.

2.The Karapettai Nadar Higher Secondary School/R1 had instituted the writ petition challenging proceedings of the Chief Educational Officer, Thoothukudi/A3 dated 30.10.2024 fixing staff strength for the academic year 2024-25. The case of R1 was that it is a aided minority educational Institution having average student strength of 1582 students. There was one Physical Education Director and three Physical Education Teachers.

3.R1 relied upon G.O.Ms.No.525, School Education Department dated 29.12.1977 and interpreted that G.O. to say that it enabled the petitioner to have four PE Instructors, that is three Physical Education Teachers and one PE Director.



4.The State did not agree, as its interpretation was that the G.O., provided for a cap on the number of PE Instructors, and if one Physical Education Director was to be appointed, such appointment should be out of the three Physical Education Teachers employed in the School. Hence, under the impugned staff fixation order, it had sanctioned one post of Physical Education Director Grade-I as a result that one post of Physical Education Teachers was rendered surplus.

5.The Writ court allowed the writ petition relying upon the decision of the Division Bench in the case of *The Director of School Education, Chennai-600 006 and others vs. K.Uma* [(2010) 2 MLJ 277]. The writ Court interpreted that decision to say that no ceiling may be fixed with regard to the strength of the Teachers, as the same is bound to vary/increase as per strength of students.

6. The learned Judge opined that as and when student strength increased, additional Teachers were to be appointed, as otherwise it is the students who would suffer. The State is aggrieved by the interpretation of that G.O. and by the allowing of the writ petition and has thus instituted this writ appeal.

7.Mr.Ajmal Khan, learned Additional Advocate General appearing on behalf of the State would draw our attention to the language



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of G.O.Ms.No.525 dated 29.12.1997, pointing out that the sanctioned number of Physical Education Teachers were '*a maximum of three*'. The GO also provided that for schools with a strength of over 400 students, one post of Physical Teacher will be upgraded from an '*existing post of Physical Education Teacher*'. The interpretation thus is that if at all a Physical Education Director were to be appointed, such appointment shall be from amongst the three Physical Education Teachers, as provided under that GO.

8.The State relied upon the decision in *State of Tamil Nadu and others vs. St.Mary's Higher Secondary School* [W.A.(MD)No.1870 of 2023 dated 28.04.2025]. G.O.Ms.No.525 dated 29.12.1977 was the subject matter of the interpretation in that decision. The Bench had concluded that the maximum permitted number of Physical Education Teachers was only three and hence, the appointment of Physical Education Directors would have to be circumscribed by the overall limit provided in that GO.

9.The decision of the Bench in *Uma's* case was also taken note of in *St.Mary's* case. Hence, according to learned Additional Advocate General, this Bench has no option but to follow the precedent in *St.Mary's* case as no authoritative direction had been issued in *Uma's*



case. If the Bench were to differ with the opinion in *St.Mary's* case, the matter should be referred to the Hon'ble Chief Justice for reference to a Larger Bench for an authoritative pronouncement, for which proposition, learned Additional Advocate General relied upon the judgment of the Supreme Court in the case of *Official Liquidator vs Dayanand and others* [(2008) 10 SCC).

10.Mr.Isaac Mohanlal, learned Senior Counsel, for the respondent puts forth a different interpretation of the decision in *St.Mary's* case, taking us in detail through the orders of the Division Bench in both *K.Uma and St.Mary*. He points out that the Division Bench in *K.Uma's* case has accepted the position that the appointment of Physical Education Directors should be over and beyond the appointment of Physical Education Teachers and this ratio binds the subsequent Bench as well.

11.If at all the Bench hearing *St.Mary's* case wished to differ with the same, the matter ought to have referred to a Larger Bench at that stage. Having not done so, the interpretation of the G.O., in *St.Mary's* case is per incurium. For this purpose, he would refer to the decision of the *P.Suseela and others vs. Unversity Grants Commission and others* [(2015) 8 SCC 129]. He would also emphasize upon the importance of



Physical Education particularly today, when children tend to lead sedentary lives and must hence be encouraged to be active.

12. We have heard the rival contentions and carefully studied the material papers as well as the cases that have been cited.

13. G.O.Ms.No.525 dated 29.12.1977 was itself the subject matter of interpretation before the Courts and conflicting opinions had been rendered by the Division Benches in:

1. *The Correspondent, Sacred Heart Primary School and Another vs. The District Elementary Educational Officer, Kanyakumari and others* [2006 (4) CTC 34].

2. *H.M.Noordeen vs. J.M.Sultan and others* [1999 (1) MLJ 625]

3. *State of Tamil Nadu & Others vs. S.K.Krishnamurthy etc.*, [1972 (1) SCC 492]

14. Having regard to the aforesaid decisions, the validity of the G.O was taken up for consideration by the Full Bench of this Court in *Director of Elementary Education, Chennai and others vs. S.Vigila* [2006 (5) CTC 385]. At para 22 and 23, the Full Bench deals with the matter in the following terms:

“22. As rightly observed by the latter Division Bench, the G.O.Ms.No.525 has to be interpreted in a meaningful manner keeping in view the background in which such G.O. came to be issued. As per the existing instructions applicable, the ratio of teacher was dependent upon students' strength in each individual standard, but it had been laid down that maximum strength in a particular section or a class should be 35 or 40. In other words, either no admission was required to be made in excess of 35 or 40 or if such admission was made taking relevant



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permission, an additional section was required to be created. In the context of the aforesaid background, the present G.O.Ms.No.525 indicates that an additional section is required to be created only when the students' strength in a standard becomes 60 or more. It is evident that G.O.Ms.No.525 has intended to change this aspect and that is the reason why it has been indicated that when the students strength becomes 100, a third teacher can be appointed. If it has to be understood that the ratio of 1:40 is to be maintained in respect of the entire school, it is not understood as to why it would be laid down in the G.O. that a third teacher would be available when the students strength reaches 100. In normal course, the third teacher would be provided only when the students strength reaches 120 and not 100. This is rather indicative of the fact that the G.O. was concerned about the creation of additional section. If the students' strength in a particular standard remains 60 and below, there is no necessity to create an additional section and the necessity to create additional section arises only when the student strength in a particular standard exceeds 60 and that is why it has been stated that if students' strength is further increased by 40 more, another teacher would be sanctioned or would be required. The G.O. cannot be interpreted to do away with requirement of having at least one teacher for each standard or section (wherever creation of additional section is justified).

23. Keeping in view the various relevant aspects, we feel that G.O.Ms.No.525 dated 29.12.1997 should be interpreted in the following manner:-

- (1) The ratio of students-teacher strength as indicated in the G.O. should be primarily considered by taking each individual standard/section as a unit.
- (2) The minimum strength of teachers required obviously should not fall below the number of Standards/Section in a school. In other words, if there are five standards, obviously the minimum number of teachers should be five, out of which one would be the Headmaster.
- (3) If the students' strength in a particular Standard exceeds 60, at that stage, an additional section is required to be created requiring the sanction of a second teacher and the strength reaches 100, the post of a third teacher is required.
- (4) Even after maintaining the aforesaid ratio by taking into account the students strength of each individual standard and additional section, as the case may be, by keeping in view the teacher-students ratio 1:40 of the entire school if the teachers strength is required to be increased, the same has to be allowed, but in no case, the teachers strength should be



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less than the number of standards including the additional sections. If more teachers are thus sanctioned keeping in view the over all strength of the school, the authorities of the school should create additional section in respect of any particular Standard according to the need and convenience keeping in view the standard of education. This requirement is not only in respect of aided schools or Government schools, but also in respect of any private recognised school. In other words, this ratio is to be maintained for any school which requires recognition.

(5)It would be obviously open to the Government to formulate appropriate norms in consonance with the above observation and provisions of the constitution.”

15.The guidelines of the Full Bench in *Vigila's* case is that the ratio of students-Teacher strength as indicated in the G.O. should be considered by taking each individual standard/section as a unit and not the entirety of the standards/sections in a School. This would ensure that the requisite number of teachers will be provided for, in each class. If this were not to be done, there is a danger that the overall strength of teachers would be inadequate, having regard to the student strength.

16.The issue of Physical Education Teachers/ Physical Education Directors was not specifically under consideration in the case of *S.Vigila*. However, the guidelines for interpretation of G.O.525 dated 19.12.1977 would guide us in the present case as well.

17.Having regard to the same, we now discuss the cases of *K.Uma* and *St.Mary*. *K.Uma's* case was instituted by a Teacher aggrieved by frequent transfers and by a staff fixation order, which rendered one



post of Physical Education Teacher surplus by interpretation of G.O. in a literal fashion.

18.The Division Bench had granted interim relief to the Teacher, staying the transfer, as against which, a writ appeal came to be filed before the Division Bench. Thereafter, the Bench took up for hearing both the writ appeal of the State challenging the grant of interim orders, along with the main writ petition, and disposed the same by way of order dated 04.12.2009 in *K.Uma's* case.

19.The case of the Physical Education Teacher was accepted in that the Bench allows the writ petition dismissing the writ appeal. At para 24 of the decision, the Bench hold that the G.O. '*needs to be given liberal interpretation*'. The justification for this interpretation has been stated at para 23 of the judgment, extracted below:

“23. As stated above, the normal understanding of the above government order with regard to Physical Education Teachers is that the High Schools would have maximum number of three Physical Education Teachers and Higher Secondary School would be added one more Physical Education Director in the name of Physical Education Director. However there cannot be any ceiling with regard to the strength of teachers as the same is bound to vary/increase as per the strength of the student's. When the student strength is increased, the ceiling has to be removed and required more Physical Education Teachers are to be appointed, otherwise the students would suffer irreparably and the government order would go against the very scheme of education.”

20.Hence, the interpretation as set forth in *K.Uma's* case is to



the effect that, while the overall strength of the Physical Education Teachers must be fixed as three, as per the G.O., in a case where the student strength exceeds 400, there must be one Physical Education Director over and above the three Physical Education Teachers. This view has been accepted by the State and no further appeal has been filed as against this decision.

21.We hence reject the explanation of the State that the post of Physical Education Directors must be only from, and out of the three Physical Education Teachers.

22.As far as the decision in the case of *St.Mary* is concerned, the Division Bench has proceeded on the basis that no directions have been given in *K.Uma's* case in regard to the sanction of post of Physical Education Director. This flows from paragraph No.12 of the judgment, wherein the Division Bench says '*having held so, the Division Bench has not directed to sanction the post, but had held the Government has liberty to reconsider the issue and issue appropriate norms based on the above observation*'.

23.The above understanding is clearly incorrect in view of the categoric conclusion in *K.Uma's* case allowing the writ petition, which can only mean that the plea of the State that Physical Education Directors



are to form part of the three Physical Education Teachers, has been rejected. The direction to reconsider the issue in our opinion in the case of *K.Uma* is only a pointer to the Government to consider increasing the number of Physical Educational Teachers to bring them in line with the student-Teacher ratio, and to ensure adequate Physical Education Teachers/Physical Education Directors being appointed, having regard to the number of students in that School.

24.In fact, the State has accepted this interpretation in subsequent matters. In W.P.(MD)237 of 2009, the challenge was to staff fixation orders for the years 2001 to 2008-09, similar to the challenge in *K.Uma's* case.

25.That writ petition had been allowed on 04.11.2026, accepting the case that posts of three Physical Education Teachers and one Physical Education Director must be sanctioned, considering the student strength in that School. We are given to understand that the order has been implemented by the State, and with that, the position that the post of Physical Education Director should be over and above the three posts of Physical Education Teachers is beyond question.

26. In the case of *P.Suseela*, the Supreme Court, at para 25, notes the position that the Division Bench of the High Court had arrived



at a certain conclusion, with which a subsequent Division Bench differed. The Supreme Court says that, in such circumstances, it was incumbent upon the subsequent Division Bench to either follow the precedent, as it is binding on them, or refer the judgment to the Chief Justice to constitute a Full Bench if it differs with it.

27. Hence, there is some merit in the argument that, if at all the subsequent Bench, which had heard *St.Mary's* case, differed with the opinion expressed in *K.Uma's* case, reference to the Larger Bench ought to have been made at that stage.

28. We, in fact, concerned with the decision in *K.Uma's* case and the question of any reference to a Larger Bench at our instance does not, therefore, arise. We reiterate that the number of Physical Education Teachers must be in tandem with student strength is concerned, and reinforce the observations by the Division bench in *K.Uma's* case to the effect that the State must consider increasing the number of Physical Education Teachers/Physical Education Directors in the interests of the students.

29.This writ appeal is dismissed. The directions of the learned Single Judge are reiterated and must be complied with, within a period of four weeks from date of receipt of copy of this order. No costs.



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Consequently, connected miscellaneous petition is closed.

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[A.S.M.J.] & [C.K.J.]
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