



W.P.(MD)No.21952 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.21952 of 2025

and

W.M.P(MD)Nos.17037 & 17039 of 2025

The Superintendent of Schools,
R.C.Diocese of Palayamkottai,
Thembavanithottam, Tirunelveli.

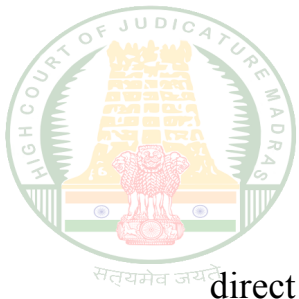
: Petitioner

Vs.

1. The Director of Elementary Education,
Chennai – 06.
2. The District Educational Officer (Elementary),
Tirunelveli, Tirunelveli District.
3. The Block Educational Officer,
Palayamkottai,
Tirunelveli 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 pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.4067/A2/2024 dated 23.12.2024 and quash the same in so far as fixation of two posts in the middle section and further



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direct the respondents to fix three posts for the middle section to the R.C.Middle School, Thonithurai, Palayamkottai Union, Tirunelveli District.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.S.Vinodh

Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent in Na.Ka.No.4067/A2/2024 dated 23.12.2024 and quash the same insofar as fixation of two posts in the middle section and further to direct the respondents to fix three posts for the middle section to the R.C.Middle School, Thonithurai, Palayamkottai Union, Tirunelveli District.

2. The learned counsel appearing for the petitioner would submit that the petitioner school is an aided school, which is having the strength of 62 students for classes 1 to 5. As per the Right to Education Act, 2009, if the strength of the school students is more than 60, the school is



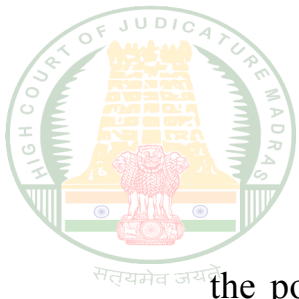
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entitled for three teachers in respect of classes 1 to 5 and each teacher for each class in respect of the classes 6 to 8. However, the petitioner school is having only five teachers totally, even though there are above the students' strength of 60 and hence, the petitioner school seeks for one more teacher for the classes 1 to 5. However, the same was rejected vide the impugned order.

3. The learned counsel appearing for the petitioner would further submit that this Court may issue a direction to the respondents to reconsider the impugned order, after a fresh inspection to be done by the respondents. The petitioner also agree that if the inspection reveals that for classes 1 to 5, there are students numbering below 60, the respondents may fix only two teachers for classes 1 to 5 and one teacher for each class for the classes 6 to 8.

4. At this juncture, the learned Government Advocate appearing for the respondents would submit that as per the inspection conducted on 07.08.2025, total strength of school students is only 108 for classes 1 to 8. Even though the petitioner is not satisfied the eligibility criteria for



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the posts as aforesaid, the respondents will conduct a fresh inspection.

He also relied upon the judgment of this Court in WA(MD)No.969 of 2017 dated 03.06.2020, wherein it is held as follows:-

“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.”

5. In view of the above, this Court directs the respondents to conduct a fresh inspection on the strength of the students in the petitioner school and pass appropriate orders on merits and in accordance with law, with regard to the claim of the petitioner seeking excess teacher and as per the Right To Education Act, 2009 and also as per the observations made by the Division Bench of this Court in WA(MD)No.969 of 2017.



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6. With the above directions, this writ petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.08.2025

Index : Yes / No
NCC : Yes / No
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To:-

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M.DHANDAPANI, J.

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