



W.P(MD)Nos.20585 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.20585 of 2017
and W.M.P(MD).Nos.16875 and 16876 of 2017

The Secretary,
S.R.P Middle School,
Sivagiri 627 757
Tirunelveli District.

... Petitioner

Vs.,

- 1.The Director of Elementary Education,
College Road, Chennai 600 006.
- 2.The District Elementary Education Officer,
Tirunelveli, Tirunelveli District.
- 3.The Additional Assistant Elementary
Educational Officer, Vasudevanallur,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Staff Fixation settled by the second respondent



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District Elementary Educational Officer for the year 2013-2014 dated Nil insofar as it renders the only post of Physical Education Teacher as surplus and the consequential proceedings of the AAEEO in Na.Ka.No.398/A1/2017 dated 14.06.2017 and DEEO in O.Mu.No.3331/Aa1/2017 dated 07.08.2017 denying permission to fill up the post of Physical Education Teacher, quash the same and further direct the second respondent District Elementary Educational Officer to grant permission to the petitioner's school for filling up the post of Physical Education Teacher.

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel for
M/s Isaac Chambers

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.T.Amjadkhan
Government Advocate

ORDER

The reluctance on the part of the State to give importance to Physical Education in schools, despite the orders of the Division Bench of this Court dated 04.12.2009 and 15.06.2021, is clearly evident in the case on hand. The Court is deeply concerned by the indifference and apathy displayed by the State for the last 15 years in failing to accord Physical Education for young students the same importance as other subjects.



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2.The facts which constitute the genesis of this judgment, and which have compelled the above observations, are set out hereunder:

3. The petitioner has filed the above writ petition seeking to quash the impugned staff fixation insofar as it renders the only post of Physical Education Teacher as surplus, followed by the consequential proceeding denying permission to fill up the post of Physical Education Teacher, and consequently to direct the District Elementary Officer to grant permission to the petitioner school to fill up the post of Physical Education Teacher.

4. The case of the petitioner is that the school was established as early as the year 1929 and was upgraded as a middle school in the year 1959. Education is offered from Classes I to VIII. The school mainly caters to the children of the surrounding rural areas. These students belong to the downtrodden and socially and educationally backward strata of society. The school is providing free education to the students, and except for the small sum specified by the Government, no fees or charges are collected from the children. The school runs at full capacity. For the grant of recognition, the foremost condition is the adequacy of qualified staff, and teachers are required to be appointed in accordance with the student–teacher ratio.



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5. The petitioner's contention is that a revised norm of teacher–student ratio was given effect from 01.06.1992 under G.O.Ms.No.525, School Education, dated 29.12.1997. This Government Order prescribed that, in principle, a ratio of one teacher for every 40 students would be adopted. Separate norms were prescribed for different stages of education. For primary schools, the appointment of Secondary Grade Teachers was fixed at a ratio of 1:40, with a minimum of two teachers up to a strength of 80 students. Out of these two teachers, one was required to be in the grade of Headmaster. Separate norms were also fixed in respect of special teachers. Thereafter, the Government announced revised norms on the teacher–student ratio upon the introduction of the Right of Children to Free and Compulsory Education Act, 2009. For middle schools, appointments were fixed at a ratio of 1:35, and separate norms were prescribed for other teachers.

6. As per these norms, the petitioner school was initially sanctioned with one Headmaster, one B.T. Assistant (Maths), eight Secondary Grade Teachers, one Physical Education Teacher, and one Sewing Mistress. Mr.A.Manoharan, who was working as the Physical Education Teacher in the school, took voluntary retirement on 04.01.2013. This was approved by the second



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respondent vide proceedings dated 04.01.2013. Thereafter, in order to fill up the said vacancy, the school submitted a proposal seeking permission from the first respondent on 30.01.2013. The first respondent did not pass any order. Meanwhile, while settling the staff fixation for the impugned academic year 2013–2014, the first respondent rendered the only post of Physical Education Teacher sanctioned to the school as surplus, along with two posts of Secondary Grade Teacher. It is this staff fixation that is the subject matter of the present writ petition. The petitioner school immediately sent an objection to the first respondent on 05.03.2014 in respect of the Physical Education Teacher post, stating that it was the only post sanctioned in the school for providing physical education to children, and requested the first respondent to refix the staff fixation in respect of the post of Physical Education Teacher alone. However, no order was passed on this representation. For the subsequent years, the first respondent did not show the post of Physical Education Teacher in the staff fixation orders. The school sent several representations requesting the first respondent to refix the staff strength by showing the post of Physical Education Teacher, but there was no response to these representations. Meanwhile, the school was being pressurised by the parents to fill up the post, inasmuch as the students were suffering on account of there being no Physical Education Teacher. The petitioner therefore submitted a representation to the first



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respondent through the third respondent. The third respondent, without forwarding the same to the first respondent, returned the request by proceedings dated 14.06.2017, stating that the post was not available in the staff fixation order. The third respondent further stated that there were less than 1,000 students in the middle school section and, therefore, the post could not be filled up. Once again, a detailed representation dated 19.07.2017 was sent by the petitioner. In this representation, the school emphasized the importance of physical education for children and requested the first respondent to reconsider the decision and grant permission to fill up the post of Physical Education Teacher. The petitioner also explained to the first respondent that there were more than 100 students. The first respondent, without considering the petitioner's objections and without affording an opportunity of hearing, denied permission vide proceedings dated 07.08.2013, stating that the post had been rendered surplus in the staff fixation for the academic year 2013–2014 and had been surrendered to the Director.

7. The petitioner submits that physical education plays a vital role in the welfare of students. It is the only form of education that helps in creating healthy citizens from a tender age, and rendering this post as surplus defeats the very object of introducing physical education at the school level. The petitioner



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further submits that the post of Physical Education Teacher has been in existence for all these years, and declaring the post as surplus would work to the detriment of the students. Hence, this writ petition.

8. A counter affidavit has been filed by the second respondent, wherein it is stated that in the petitioner's school, for Standards VI to VIII, there are only 66 students, and it is not correct to state that the school is running at full strength. It is further stated that the norms fixed in G.O.Ms.No.525, School Education, dated 29.12.1997 were not in vogue in respect of primary and middle schools from the academic year 2010–2011, and that from the academic year 2010–2011, Sections 15 and 25 of the Right of Children to Free and Compulsory Education Act (herein after referred to as “Act”) are in force, and the norms as set out in the Schedule under Sections 19 and 25 of the Act have been followed from 2010–2011.

9. It is further contended that, with the post of Physical Education Teacher having been vacated by A.Manoharan, the said post has become surplus on account of the strength of students in Standards VI to VIII falling below 100, therefore, the requirement is not satisfied even for the appointment or engagement of a part-time Physical Education Teacher. It is submitted that,



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as per the norms devised in the Schedule under Sections 19 and 25 of the Act, there should be an admission of more than 100 children in Standards VI to VIII.

Therefore, the post of Physical Education Teacher had been surrendered to the common pool of the Director of Elementary Education, Chennai. The sole contention of the second respondent is that, since the student strength was less than 100, the school was not entitled to a post of Physical Education Teacher.

10. It is contended by the respondents that the petitioner school is a minority institution receiving grants from the Government and governed by the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and the Tamil Nadu Recognized Private Schools (Regulation) Act, 1974. It is further contended that that the staff fixation for schools receiving aid from the Government is determined by the concerned District Educational Officer of the educational district after assessing the student-teacher ratio. The student strength in the petitioner school has been on the decline, and when compared to the previous academic year, the excess staff is declared surplus and the post is resumed by the Government. Likewise, if the student strength increases, additional staff would be sanctioned. The order impugned is in accordance with the student strength and as per G.O.Ms.No.525, School Education, dated 29.12.1997.



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11. It is further contended by the respondents that the strength of students studying in the Tamil medium was high and seven sections were fixed. However, G.O.Ms.No.525, School Education, dated 29.12.1997 provides only for five sections. 60 students were required to constitute one section and over and above 61 and less than 100, two sections were permitted and for 250 students, special teachers were also permitted. It is further stated that the petitioner school cannot seek for more sections.

12. When the matter came up for hearing on 17.09.2025, this Court expressed surprise and concern over the said arrangement and took note of the fact that, as per the syllabus prescribed for schools, two periods per week have been set apart for Physical and Health Education. Therefore, the restriction imposed by the Government appeared to be incongruous. In view of the same, this Court called for a report from the Government/Education Department regarding its policy on the appointment of Physical Education Teachers in schools, including Government schools and aided schools.

13. At that point in time, the Court was informed that the issue had already been seized of by the Hon'ble Supreme Court, wherein reports had been



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called for from various States, including the State of Tamil Nadu. The matter was accordingly adjourned to 10.10.2025. On the adjourned date, the matter was further adjourned to 06.11.2025 to enable the respondents to file their report. On 06.11.2025, a status report was filed by the first respondent, wherein the respondent discussed the norms for Physical Education Teachers as prescribed in G.O.Ms.No.525, School Education, dated 29.12.1997, the schedule prescribed under the Right to Education Act, set out the State's education policy, and submitted that the Government's policy relating to the sanction of Physical Education Teacher posts based on student strength is the result of the "rationalisation adopted after the report of the One Man Committee on Rationalisation of Staff Pattern in Schools."

14. The report recommended need-based staffing in order to ensure the equitable distribution of teaching resources across regions. It further stated that, to ensure optimum resource utilisation and to recognise the importance of Physical Education in the overall development of children, particularly in rural and low-enrolment areas, mandatory Physical Education periods were prescribed and contractual/part-time appointments were made. The benchmark of 250 students was stated not to diminish, in any manner, the importance accorded to Physical Education. In short, the report suggests that a single Physical Education Teacher may be shared among several schools.



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15. When the matter came up for hearing on 12.11.2025, this Court observed that, language-wise, the status report was well articulated, however, its contents were disappointing, and the reasons for such observation were also set out. It was then brought to the notice of this Court that a Division Bench of this Court, in ***Director of School Education and Others v. K. Uma, reported in (2010) 2 MLJ 277***, had, as early as in the year 2010, directed the respondents to reconsider G.O.Ms.No.525, School Education, dated 29.12.1997 by giving it a liberal interpretation, while observing that the Government should be at liberty to reconsider the matter and prescribe viable and appropriate norms.

16. At the request of the learned Additional Advocate General, the matter was postponed to 24.11.2025. Today, when the matter was called once again, a report has been submitted, which, once again, primarily reflects the vision of the Government without providing any effective suggestions. The Government has, only on 05.11.2025, proposed to constitute a high-level expert committee to recommend reforms in the curriculum, pedagogy, school organization, and institutional model, with special attention to Physical and Health Education for all schools.



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17. It is rather disappointing that, as early as 2010, the Hon'ble Division Bench of this Court had emphasized the importance of Physical Education for students and opined that the Government should accord greater priority to it. The Court had consequently directed that a liberal interpretation be given to G.O.Ms.No.525, School Education, dated 29.12.1997 and that the Government shall reconsider the matter and issue reasonable, viable, and appropriate norms regarding the appointment of Physical Education Teachers in schools, based on student strength. Yet, it was only on 05.11.2025 that the Government constituted a committee to examine the very issues which were directed more than fifteen years ago.

18. Further, another Division Bench, by its judgment dated 15.06.2021, reiterated this anomaly in declaring the post of Physical Education Teacher as surplus, and upheld the view of the learned Single Judge that it is neither justifiable nor reasonable to declare the sole post of Physical Education Teacher as surplus. In ***K.Uma's case*** (*cited supra*) the Division Bench, at paragraph 16, examined G.O.Ms.No.525, School Education Department, dated 29.12.1997, and ultimately held that the order transferring the sole Physical Education Teacher on the basis of the student–teacher ratio prescribed therein was



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erroneous. The subsequent Division Bench has also adopted and followed the same line of reasoning.

19. In view of these two judgments of the Division Benches, this writ petition is allowed. The order declaring the post of Physical Education Teacher as surplus, along with all consequential orders and proceedings, is quashed. The second respondent, District Elementary Education Officer, is directed to grant permission to the petitioner school to fill the post of Physical Education Teacher within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

24.11.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

Rmk

To

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College Road, Chennai 600 006.
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