



W.P.(MD) No.30782 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
30.10.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.30782 of 2025

and

W.M.P.(MD) Nos.23966 & 23972 of 2025

Correspondent,
R.C. Little Flower Primary School,
Melaputtur, Usilampatti,
Madurai District.

... Petitioner

-vs-

1.The District Educational Officer,
(Elementary Education),
Tirumangalam, Madurai District.

2.The Block Educational Officer,
Usilampatti, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the impugned deputation orders issued by the first respondent District Educational Officer in Na.Ka.No.



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4088/A5/2025 dated..10.2025 (*received on 24.10.2025*) and the consequential proceeding of the second respondent Block Educational Officer in Na.Ka.No. 945/a3/2025 dated...10.2025 (*received on 24.10.2025*), quash the same in so far as deputing J.Nancy, Secondary Grade Teacher from petitioner's school to Panchayat Union Primary School, Linganayakanpatti, Usilampatti Union and to pass such further orders.

For Petitioner : Ms.A.Amala

For Respondents : Mr.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for calling for the records relating to the impugned deputation orders issued by the first respondent District Educational Officer in Na.Ka.No.4088/A5/2025 dated..10.2025 (*received on 24.10.2025*) and the consequential proceeding of the second respondent Block Educational Officer in Na.Ka.No.945/a3/2025 dated...10.2025 (*received on 24.10.2025*), quash the same in so far as deputing J.Nancy, Secondary Grade Teacher from petitioner's school to Panchayat Union Primary School, Linganayakanpatti, Usilampatti Union and to pass such further orders

2. Heard Ms.A.Amala, learned counsel appearing for the petitioner,



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Mr.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3.Ms.A.Amala, learned counsel appearing for the petitioner would submit that the petitioner's School is a minority institution and there are about 13 Secondary Grade Teachers and 1 Headmistress working in the petitioner's school which has a students strength of 482 students. When that being so, a communication was received from the first respondent on 24.10.2025, wherein a Secondary Grade Teacher working the petitioner's school had been deputed to a Panchayat Union Primary School.

4. The learned counsel for the petitioner would submit that the order of deputation on deployment had been made during the mid of the academic year that too without issuing any staff fixation order for the academic year 2025-2026. In that regard, she would submit that such deployment is not only in violation of the Tamil Nadu Private Schools Regulations Act, 2018 and the Rules framed thereunder but also the Compendium prescribed by the Division Bench of this Court in W.A.(MD).No.76 of 2019 with regard to the deployment of teachers from a school where the teachers have been declared to be



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surplus. She would further submit that the petitioner's school is also a part of a corporate management and in that aspect she would submit that if the staff fixation order has been issued holding that there has been a surplus teacher in the petitioner's school such surplus teacher declared would be accommodated in any other school where there is a eligible vacancy. She would further contest that the order had been made arbitrarily and without following the due process of law and hence she seeks interference with the impugned order.

5. She would also rely upon the judgment of the learned Single Judge of this Court in support of her contentions. She would also further submit that even taking the students strength of the school and the pupil teacher ratio envisaged in schedule to the Right to Compulsory Education Act, 2009, the teacher strength cannot be said to be in surplus of the students strength, requiring deployment of the teacher from the petitioner's school.

6. Countering her arguments, Mr.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents would submit that taking into the students strength, the teachers that have been sanctioned to the



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petitioner's school in the context of the schedule to the RTE Act/ Right to Compulsory Education Act, 2009 would make it clear that there is one surplus teacher available in school. According to him, when that be the factual position, the order of deployment could only be a procedural lapse even if the contention of the learned counsel for the petitioner is accepted.

7. He would dispute the claim of the petitioner by submitting that the actual students strength of the school is only 459 and not 482 as contended by the counsel for the petitioner which is available in the EMIS portal which is regularly updated by the petitioner's institution and in that regard one teacher is rendered surplus. He would further submit that the petitioner cannot deny the fact that there could be only one surplus teacher based on the statistics available on record. Further placing reliance upon the judgment of the Hon'ble Division Bench of this Court made in W.A.(MD).No.969 of 2017 dated 03.06.2020, he would contend that the precious financial resources of the Government could also be taken into account by this Court when the order of deployment is being challenged by institution which has a strength of the teachers more than the required numbers as per the students strength and



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the authorities have always a right to pass orders of deployment. He would further submit that under the order, the surplus teacher has been only sent on deputation and as when the students strength in the petitioner's school increases, the said teacher can be repatriated to the petitioner's school. Therefore, he prays this Court to dismiss the Writ Petition.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

9. The teacher in the petitioner's school had been sent on deputation under the orders impugned on the ground that as per the pupil teacher ratio one post of the Secondary Grade Teacher is found to be surplus in the petitioner's school and the said order had come to be passed on 09.10.2025.

10. It is not in dispute that for the academic year 2025 – 2026 there has been no order passed with regard to the staff fixation in the petitioner's school. It is also not disputed that the petitioner is a part of a corporate/ joint management. Even though the petitioner had claimed that there has been a violation of Rule 32(b)(3) of the Rules of the year 2023 which had come into



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effect from 13.01.2023, this Court takes a judicial notice of the order of status quo passed by the Division Bench of the Principal Bench of this Court with regard to the applicability of Rules vis-a-vis the minority institutions. A Division Bench of this Court in W.A.(MD).No.76 of 2019 etc., batch by its order dated 30.03.2021 had issued a Compendium of Schedule from which the Rules of the year 2023 also draws its strength. For better appreciation, the compendium issued by the Division Bench of this Court is extracted hereunder:-

“....(f) COMPENDIUM OF SCHEDULE :

(i) Closing of Admission for the purpose of fixation of staff strength - 31st July of that academic year.

(ii) Fixation of staff strength of the school concerned, based on the student strength as on 31st July as per the strength of the pupil updated in the EMIS - 10th August.

(iii) The aforesaid fixation of staff strength of the school shall be intimated to the school on or before 15th August.

(iv) On receipt of information from the Department, the School concerned shall give its objection if any, based on the teacher-pupil ratio on such fixation of staff strength by 25th of August.

(v) On receipt of such objection, if any, from the school



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concerned, the final order of fixing the staff strength of the school, with the provisional order for identification and redeployment of excess staff shall be passed by the Department by 5th of September.

(vi) On receipt of such intimation of provisional order on identification and redeployment of excess staff, the school under corporate or joint management, shall act upon to give its consent to the redeployment of excess teacher concerned after keeping the teacher informed, to the Department, by 15th of September.

(vii) On receipt of such reply / intimation from the school concerned, final redeployment order shall be made and communicated to the school from where redeployment is made with a copy marked to the teacher concerned and also to the needy school to which the deployment is to be made, by 25th September.

(viii) On receipt of such orders by the teachers who are redeployed, they shall report to the school where they have been redeployed, on or before 30th September.

(ix) After making this redeployment process, still excess staff are available, the Education Department shall take further effort, and those excess teachers still available at the hands of the Education Department to be redeployed to a needy school beyond the corporate management



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concerned, i.e., to any school located in the same Educational District or Revenue District and even beyond which if still excess staff are available, they can be redeployed to any school beyond the Revenue District of course after getting the choice of such teacher concerned and that shall be completed by 10th October.

(x) Those teachers who got such redeployment within the Revenue District or beyond the Revenue District by orders to be issued on or before 10th of October, shall report duty to the School where they have been redeployed on or before 15th of October.

(xi) It is made clear that beyond 15th October of every academic year, no redeployment of teacher shall be made or given effect to....”

11. The Compendium envisages that the fixation of staff strength of the school concerned should be intimated to the school on or before 15th of August and after receiving any objections on the same, a final order of fixing the staff strength should be passed by the Department by the 5th of September and the Management concerned should act upon the same and give its consent to redeploy the excess teachers by 15th September and an order of deployment should be made by 25th September and such redeployed teachers should report to duty before 30th September. Only thereafter, if still there are excess



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staffs available, they could be redeployed to schools outside the corporate management concerned in the same Educational District or Revenue District and such redeployment should be completed by 10th October.

12. In the present case, admittedly there has been no staff fixation as envisaged as per the Compendium nor was the petitioner school put on notice with regard to the staff fixation for it to take necessary action to redeploy the said surplus teacher to any schools within the corporate management of which the petitioner school is a part of, for the respondents to issue order of deputation of the alleged surplus teacher to a Panchayat Union School. In such circumstances, this Court is of the view that the judgment relied upon by the learned Additional Government Pleader made by the Division Bench of this Court cannot be made applicable to the facts of the case.

13. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order in so far as the deputation of the teacher of the petitioner's school concerned alone is set aside and however, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.
- 2.The Treasury Officer,
District Treasury,
Sivagangai.
- 3.The Assistant Treasury Officer,
Karaikudi,
Sivagangai District.

K.KUMARESH BABU, J.

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PRE-DELIVERY ORDER
IN
W.P.(MD) No.30782 of 2025
and
W.M.P.(MD) Nos.19587, 19589,



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