

(2011) 02 MAD CK 0475
In the Madras High Court
Case No : W.A. (MD) No. 724 of 2010

The District Elementary Educational Officer	APPELLANT
Vs	
K. Ponsanthi and The Correspondent, TDTA Primary School	RESPONDENT

Date of Decision : 15-02-2011

Acts Referred:

Citation : (2011) 02 MAD CK 0475

Hon'ble Judges : R. Subbiah, J;N. Paul Vasanthakumar, J

Bench : Division Bench

Advocate : M. Rajarajan, for the Appellant; T. Selvam, for the Respondent

Final Decision : Dismissed

Judgement

R. Subbiah, J.—This appeal is directed against the order passed by the learned single Judge in W.P.(MD) No. 2884 of 2009, dated 03.12.2010 whereby the learned single Judge quashed the order passed by the Appellant dated 12.03.2009 and consequently directed the Appellant to approve the appointment of the first Respondent and confer all the consequential benefits to the first Respondent.

2. The first Respondent herein passed Secondary Grade Teacher training course in the year 1990 and registered her name in the District Employment Office, Tirunelveli in the same year. She was appointed in a sanctioned post of Secondary grade teacher in the second Respondent aided minority school on 18.07.2001 in the place of A. Guru Balasingh who died while in service. The second Respondent school had forwarded the papers to the Appellant for approval of the appointment of the first Respondent. Since no steps were taken by the Appellant for approving the appointment, the first Respondent filed writ petition in W.P. No. 9083 of 2008 and prayed for a direction to the Appellant to grant approval of her appointment. In the said writ petition, this Court has directed the Appellant to consider the case of the first Respondent for approval of appointment as secondary grade teacher in the light of the Full Bench judgment

of this Court reported in 2006 (5) CTC 385 (Director of Elementary Education, Chennai v. S. Vijila). Subsequent to the order of this Court, the Appellant by order dated 12.03.2009 rejected approval of first Respondent's appointment stating that the second Respondent school is a corporate body and it is having number of schools and during the inspection which was conducted in 2001 there were 210 posts were found surplus and therefore, the appointment of the first Respondent cannot be approved. Aggrieved over the same, the first Respondent filed the writ petition. The learned single Judge, on consideration of the submissions made on either side, allowed the writ petition. Hence, the present appeal.

3. We have considered the submissions made by the learned Counsel on either side.

4. The Full Bench of this Court in the case of Director of Elementary Education v. S. Vigila reported in 2006 (5) C.T.C. 385, in paragraph 23 has held thus:

(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 sanction, 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 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 of 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

5. Applying the dictum laid down in the above judgment, the learned single Judges allowed the similar writ petitions and Writ appeals filed in W.A. Nos. 194,

205 and 292/2007 were also dismissed. The said teachers were also employed in TDTA management schools. The learned single Judge also allowed the writ petition filed by the first Respondent. we find that the second Respondent is a corporate body and it is having number of schools. Under such circumstances, we do not find any valid reason in rejecting approval of appointment of the first Respondent on the ground that the teaching staffs were surplus in other schools. Hence, we are not inclined to interfere with the order passed by the learned single Judge.

6. The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions stand closed.