

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY THIRD DAY OF DECEMBER

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE P. SATHASIVAM

AND

THE HON'BLE MR. JUSTICE S.K. KRISHNAN

WRIT PETITION NOS.17732 of 1999, 23514, 25369 & 25370 of 2001, 286, 503, 520, 521, 523, 524, 525, 526, 674, 675, 676, 1983,3022, 3023, 6594, 13023, 23389, 23625, 29588, 29775, 29838, 29893, 30305, 30440, 32100, 32916, 32917, 32918, 32919, 33552, 34149, 35103, 35104, 35105, 35405, 35745, 36767, 37020, 37441, 38250, 39134, 39405, 39854, 39858, 39859, 39906, 40290, 41974, 42308, 44608, 44759, 45226, 45514, 45515, 46680, 46681, 46682, 46683 of 2002, 159, 160, 855, 856, 857, 858, 1272, 1632, 3588, 4321, 4371, 5918, 6229, 6822, 7079, 7853, 8993, 9299, 9857, 9858, 9991, 9993, 9994, 10038, 10057, 10292, 10609, 11295, 14439, 14440, 14757, 19903 and 34658 of 2003.

Ramalingam Middle School,
Puliankudi rep by its
Secretary K. Ulaganathan ... Petitioner in W.P.17732/99

Jayabharath Middle School,
Sellur, Madurai
rep by its Secretary
R.M. Santha ... Petitioner in W.P.23514/01

Aided Elementary School
Therukumelur at Thenkuthu
rep. by its Secretary
A. Pandurangan ... Petitioner in W.P.25369/01

Aided Elementary School
Sri Neduncheri, Kattumannarkoil
Taluk, Cuddalore District
rep. by its Secretary,
Punniavan ... Petitioner in W.P.25370/01

R.V. Sarma Middle School
Thethakudi North Post,
Vedaranyam Taluk,
rep by its Secretary
K. Muthulakshmi

... Petitioner in W.P. 286/02

Valluvar Aided Elementary School,
Settiarkuthagai
Vedaranyam Taluk,
Nagapattinam District
rep by its Correspondent
and Headmaster
S.S. Asaithambi

... Petitioner in W.P.503/02

Venkatachalavar Aided Primary
School Adiyangadu, Thagattur Post,
Vedaranyam Taluk, Nagapattinam
District 614 714
rep by its Secretary
Cum - Headmaster
K. Venkatachalam

... Petitioner in W.P.520/02

Gurudakshinamoorthy Aided
Elementary School
Pushpavanam South
Vedaranyam Taluk, rep by its
Correspondent G. Rajendran

... Petitioner in W.P.521/02

National Aided Elementary
School, Naduvedapatti West,
Thalagnayar Post, Vedaranyam
Taluk - 611 112 rep by its
Correspondent N. Savithri

... Petitioner in W.P.523/02

Kamban Aided Elementary Schools
Sembodai North Post,
Vedaranyam -613 820, rep. by its
Secretary, A.Vedaiyan

... Petitioner in W.P.524/02

Aided Primary School
Kovilkuthagai
Panayadikuthagai Post
Katharipulam - 641 808
Vedaranyam Taluk
rep by its Correspondent
R. Subramaniam

... Petitioner in W.P.525/05

Vinayagar Aided Primary
School, Pandarathankadu
Pushpavanam, Vedaranyam
Taluk, rep by its Correspondent
S. Rajagopal

... Petitioner in W.P.526/02

Aided Elementary School T.Puthur
T.V.Puthur P.O.,

Virudachalam Taluk,- 606 110,
rep. by its Secretary R.Ponnusamy. ...Petitioner in WP. No.674/02

Tholkappianar Middle School
Neyveli represented by its
Secretary V. Kalai Selvi

... Petitioner in W.P.675/02

Aided Elementary Middle School
Ambapuram, Cuddalore District
represented by its
Secretary R. Raman

... Petitioner in W.P. 676/02

Bharathi Aided Elementary School
rep by its Manager Andiappankadu
Maruthur South Vedaranyam Taluk,
Nagapattinam District

... Petitioner in W.P.1983/02

A. Veronica

... Petitioner in W.P.3022/02

G. Lourdu Seline

... Petitioner in W.P. 3023/02

Hindu Middle School
rep by its Secretary
S. Milevel Melagudalur,
Uthamapalayam Taluk,
Theni District

... Petitioner in W.P.6594/02

H.G. Brumel

सत्यमेव जयते

... Petitioner in W.P. 13023/02

Scott Christian Higher Secondary
School, Nagercoil, rep by its
Correspondent I.Goppel Sirumani

... Petitioner in W.P.23389/02

S. Rajeswari

... Petitioner in W.P. 23625/02

A. Manimaran

... Petitioner in W.P.29588/02

1. Hepzibah
2. P. Pushpalatha
3. Subitha Selvi

4. S. Anusuya Joy Santhanidhi

... Petitioner in W.P.29775/02

D. David Selvakumar ... Petitioner in W.P. 29838/02

S. Nilavu ... Petitioner in W.P. 29893/02

L.M.P.C. Higher Secondary
School, Puthalam, Kanyakumari District
rep by its Correspondent
A.V. Manikaraj ... Petitioner in W.P. 30305/02

Tamilnadu Private School
Teachers and Staff Association
Registration No.60/81
Rahmaniapuram Thillai Nagar,
Trichy -18 rep by its State President
G. Easwara Chandra Bose ... Petitioner in W.P.30440/02

W.D. Elsie Chellam ... Petitioner in W.P. 32100/02

J. Hepzibai ... Petitioner in W.P.32916 /02

P. Suguna ... Petitioner in W.P. 32917 /02

P. Estherdaisy ... Petitioner in W.P.32918 /02

K. Baby Jessi Rani ... Petitioner in W.P.32919/02

M. Sundaramurthy ... Petitioner in W.P.33552/02

1. C. Sudha
2. Burdolph D. Raj ... Petitioner in W.P.34149/02

M. Bheeman ... Petitioner in W.P. 35103/02

Sagayamary ... Petitioner in W.P. 35104/02

S. Selvi ... Petitioner in W.P. 35105/02

D. Glory Bai ... Petitioner in W.P. 35405/02

The School Committee,
Dhanamani Vidyasalai Middle School
Goripalayam
Madurai - 625 002 rep by its
President S. John Thayalan ... Petitioner in W.P. 35745/02

Ramalingam Aided Elementary
School Thithakudi North
Vedaranyam rep by its
Correspondent R. Somasundaram

... Petitioner in W.P. 36767/02

1. K. Prema
2. C. Velliammal
3. K. Rajeswari
4. S. Isakki Ammal

... Petitioner in W.P.37020/02

Tamilaga Arambapalli Asiriyar
Kootani (Regd) No.470/90
52, Mayor Chittibabu St.,
Triplicane, Chennai -5
rep by its General Secretary
S. Abdul Majeeth

... Petitioner in W.P. 37441/02

C.M.S. Primary School rep by its
Correspondent K. Muthiah Paulraj
Chemmankudiyiruppu Alwar
Thirunagari Range, Tiruchendur
Taluk, Tuticorin District

... Petitioner in W.P.38250/02

M. Rajeswari

... Petitioner in W.P. 39134/02

Gnana Guru Vidhyasalai rep
by its Manager G. Victor Samuel
Venkateswarapuram
Alangulam Taluk,
Tirunelveli District

... Petitioner in W.P. 39405/02

Dr. S. Radhakrishna Aided Middle
School, Petha Naicken Palayam
Ponnai Post, Sholinghur Range
Vellore District rep by its Manager
A.C. Gopalakrishnan

... Petitioner in W.P. 39854/02

Rev. D. Arumainayagam Pitachai Mani,
Manager, TDTA Primary Middle Schools
C.S.I. Tirunelveli Dioces,
Palayamkottai, Tirunelveli -2
&

... Petitioner in W.P. 39858/02
39859/02

A. Sourirajan
Manager, Ramanujar Aided
Middle School, Saidapet,
Vellore-12.

... Petitioner in W.P.39906/02

C.M. Primary School,
T.R.Naidu Street,
Tuticorin, represented by
its Manager and Correspondent
C. Stephenson Roobasingh ... Petitioner in W.P.40290/02

K. Poovalagi ... Petitioner in W.P. 41974/02

K. Sethuramalakshmi ... Petitioner in W.P. 42308/02

Manager, Aided Higher
Secondary School
Arumana - 629 151
Kanyakumari District ... Petitioner in W.P. 44608/02

The Secretary Chairman
Manickavasagam Middle School
Devakottai, Sivagangai District. ...Petitioner in WP 44759/2002

Scott Christian Higher Secondary School,
Nagercoil, rep. by its Correspondent
I.Gospel Siromani ... Petitioner in W.P. 45226/02

J.Jayanthi ... Petitioner in W.P. 45514/02

L.Selvi ... Petitioner in W.P. 45515/02

Elkamaraj ... Petitioner in W.P. 46680/02

T.Christhumani ... Petitioner in W.P. 46681/02

T.Pushpabai ... Petitioner in W.P. 46682/02

D.Sam Joel ... Petitioner in W.P. 46683/02

V.Nagarajan ... Petitioner in W.P. 159/03

D.Wilson ... Petitioner in W.P. 160/03

P.Perinbathilagam ... Petitioner in W.P. 855/03

P.Karunadhas ... Petitioner in W.P. 856/03

H.K.Punitha Bharathi ... Petitioner in W.P. 857/03

K.Victoriya New Bell ... Petitioner in W.P. 858/03

The Home Church High
School for Girls, Nagercoil,
Kanyakumari District rep. by
its Correspondent
Prof. S.Arulson Daniel ...Petitioner in WP 1272/2003

The Correspondent,
M.M.Higher Secondary School,
Bethelpuram, Kanyakumari District.... Petitioner in W.P. 1632/03

R.Ulagammal ... Petitioner in W.P. 3588/03

Grama Middle School,
Vellakoil, Suganthalai Post,
Tuticorin District rep. by its
Secretary A.Kottala Muthu ... Petitioner in W.P. 4321/03

R.Mookkammal ... Petitioner in W.P. 4371/03

C.M.Primary School, T.R.Naidu
Street, Tuticorin, rep. by its
Manager and Correspondent
C.Stephenson Roobasingh ... Petitioner in W.P. 5918/03

K.Parameswari ... Petitioner in W.P. 6229/03

V.Selvi ... Petitioner in W.P. 6822/03

S.Maria Stalin ... Petitioner in W.P. 7079/03

R.Pichammal ... Petitioner in W.P. 7853/03

Salvation Army Higher Secondary
School, rep. by its Correspondent,
Vettoorni Madam, Nagercoil-3,
Kanyakumar District. सत्यमेव जयते ... Petitioner in W.P. 8993/03

T.Villavan Kokothai ... Petitioner in W.P. 9299/03

Manoharan ... Petitioner in W.P. 9857/03

K.Thenmozhi ... Petitioner in W.P. 9858/03

Neela ... Petitioner in W.P. 9991/03

V.Ramachandran ... Petitioner in W.P. 9993/03

C.Thenmozhi ... Petitioner in W.P. 9994/03

V.Rani ... Petitioner in W.P. 10038/03

M.Mohandass ... Petitioner in W.P. 10057/03

C.M.Primary School
T.R.Naidu Street, Tuticorin,
rep.by its Manager and
Correspondent
C.Stephenson Roobasingh ... Petitioner in W.P. 10292/03

S.Ravichandran ... Petitioner in W.P. 10609/03

1.St.Anthony's Girls' Higher
Secondary School,
Veerakarallampudur,
rep. by its Manager
M.Annasamy,
Tirunelveli District.

2.V.Ramachandran ... Petitioners in W.P. 11295/03

The Corporate Management,
Schools of Kanyakumari CSI Diocese
rep. by its Corporate Manager,
R.John Durai Singh ... Petitioner in W.Ps. 14439 &
14449/03

C.M.High School,
T.R.Naidu Street, Tuticorin
rep. by its Manager and
Correspondent,
C.Stephenson Roobasingh ... Petitioner in W.P. 14757/03

Salvation Army Higher Secondary
School rep. by its Correspondent,
Vettoorni Madam, Nagercoil-3,
Kanyakumari District. ... Petitioner in W.P. 19903/03

The Correspondent, Sacred Heart High
School, Pacode, Thikkurichi Post,
Kanyakumari District 629 168 ... Petitioner in W.P. 34658/03

-Vs-

1. State of Tamil Nadu rep. By the
Secretary to Govt.,
Education Department, Secretariat,
Chennai. ...1st Respondent in WP.Nos.17732/99,
23514/01, 25369/01, 25370/01, 674/02

to 676/92, 1983/02, 6594/02, 23389/02,
30305/02, 30440/02, 35405/02, 37441/02,
39134/02, 39858/02, 39859/02, 40290/02,
44608/02, 45226/02, 46680/02, 46681/02,
46682/02, 46683/02, 855/03, 856/03,
857/03, 858/03, 1272/03, 1632/03, 3588/03,
4321/03, 4371/03, 5918/03, 10292/03, 14439/03,
14440/03, 14757/03 & 34658/03.

The Director of Elementary

Education, Chennai 6...2nd Respondent in WP.Nos.17732/99, 23514/01,
25369/01, 25370/01, 674/02 to 676/02,
1983/02, 6594/02, 35405/02, 39134/02, 39858/02,
39859/02, 40290/02, 45514/02, 45515/02,
46680/02, 46681/02, 46682/02,
46683/02, 855/03, 856/03, 857/03, 858/03,
3588/03, 4321/03, 4371/03, 5918 and 10292/03.
..3rd Respondent in WP.Nos.30440/02 & 37441/02 .
..1st Respondent in WP.Nos.286/02, 503/02,
520/02, 521/02, 523/02, 524/02, 525/02, 526/02,
29775/02, 34149/02, 35103/02, 35104/02,
35105/02, 35745/02, 36767/02, 37020/02,
39906/02, 44759/02, 6229/03,
7079/03, 7853/03, 9299/03, 9857/03, 9858/03,
9991/03, 9993/03, 9994/03, 10038/03, 10057/03,
and 10292/03.

The District Elementary Educational Officer,
Tirunelveli.

..3rd Respondent in WP.17732/99, 39858/02
4th Respondent in WP.3588/03, 4371/03.
2nd Respondent in 37020/02, 6229/03, 7079/03 and
7853/03.
1st Respondent in WP.39405/02.

The District Elementary Educational Officer,
Madurai 2, Madurai District.

..3rd Respondent in WP.23514/01.
..2nd Respondent in WP.35745/02.

The Assistant Elementary Educational
Officer, Madurai (North) Range
Madurai

....4th Respondent in WP 23514/01

District Elementary Educational
Officer, Cuddalore

... 3rd Respondent in WP 25369/01,
25370/01, 674/02 to 676/02.

-- 1st Respondent in WP 23625/02,
29588/02, 29838/02, 29893/02,
32100/02, 33552/02

The Assistant Elementary Educational Officer,
Virdachalam ... 4th Respondent in WP 674/02

The Assistant Elementary
Educational Officer, Neyveli
... 4th Respondent in WP 253690/01 &
675/02
... 2nd Respondent in WP 33552/02

Assistant Elementary Educational Officer
Kattumanarkoil - 4th Respondent in WP 25370/01

The District Elementary Educational Officer,
Nagapattinam, Nagapattinam District.
..2nd Respondent in WP 286/2002, 503/02,
520/02, 521/02, 523/02, 524/02,
525/02, 526/02, 36767/02,
9299/03, 9857/03, 9858/03, 9991/03,
9993/03, 9994/03, 10038/03 and
10057/03

..3rd Respondent in WP 1983/02
..1st Respondent in WP 10609/2003

Assistant Elementary Educational Officer,
Bhuvanagiri. ...4th Respondent in WP 676/2002

Assistant Educational Officer,
Vedaranyam Taluk,
Nagapattinam District. ...4th Respondent in WP 1983/2002

The District Elementary Educational Officer,
Coonoor,
The Nilgiris District ..Respondent in WP 3022/02 &
3023/02

..2nd Respondent in WP 45514/2002 &
45515/02

The District Elementary Educational
Officer, Theni. ...3rd Respondent in WP 6594/2002

The Assistant Elementary Educational Officer,
Cumbum, Theni District. ..4th Respondent in WP 6594/2002

Director of School Education,
College Road, Chennai 600 006 ..1st REspondent in WP 13023/02 &
11295/03

..2nd Respondent in WP 23389/02,
30305/02, 30440/02, 37441/02,
44608/02, 45226/02,
1272/03, 1632/03, 14439/03, 14440/03,
14757/03 and 34658/03

The Chief Educational Officer,
Tuticorin District, Tuticorin -2

The District Educational Officer,
Tuticorin District,
Tuticorin 628 003 ..Respondents 2 and 3 in WP
No.13023/2002

The Chief Educational Officer,
Nagercoil, Kanyakumari District.
..3rd Respondent in WP
23389/02, 30305/02,
44608/02, 45226/02, 1272/03, 1632/03,
14439/03, 14440/03

..4th Respondent in WP 30440/02 &
37441/02

..1st Respondent in WP 8993/03 &
19903/03

Assistant Elementary सत्यमेव जयते
Educational Officer,
Kumaratchi, Cuddalore District.

..2nd Respondent in WP 23625/2002

Secetary, Sri Meenakshi
Aided Primary School,
Annamalainagar, Chidambaram Taluk,
Cuddalore District.

..3rd Respondent in WP 23625/2002.

The Additional Assistant Elementary
Educational Officer, Keerapalayam,
Cuddalore District.

..2nd Respondent in WP 29588/02

The District Elementary
Education Officer,
Tuticorin District

... 2nd Respondent in
W.P.29775/02 & 34149/02

... 3rd Respondent in
W.P.39859/02, 40290/02,
4321/03, 5918/03,
10292/03

... 1st Respondent in
W.P.38250/02, 6822/03

Assistant Elementary
Education Officer,
Pudukottai,
Tuticorin District

... 3rd Respondent in
W.P.29775/02 & 34149/02

Additional Assistant Elementary
Education Officer
Pudukottai,
Tuticorin District

... 4th Respondent in
W.P.29775/02 & 34149/02.

Central Manager, d.M. School,
Kaspa, Vridhachalam,
Cuddalore District

... 2nd Respondent in w.P. 29838/02

Manager, Aruljothi Aided School,
Pudukottai Cuddalore Taluk,

... 2nd Respondent in
W.P.29893/02

Manager
D.M. Elementary School
Mandarakupam,
Neyveli -2

... 2nd Respondent in
W.P.32100/02

The District Elementary
Educational Officer,
Thoothukudi District at
Thoothukudi

... 1st Respondent in
W.P.32916/02, 32917/02,
32918/02, 32919/02

The Correspondent, TDTA
Primary School,
Mullakkadu,
Thoothukudi District

... 2nd Respondent in
W.P.32916/02

The Correspondent TDTA
Primary School,
Kulayankaraisal,
Thoothukudi District

... 2nd Respondent in
W.P.32917/02, 32918/02,
32919/02

The Aided Elementary School
Manadikuppam, Cuddalore
District - 607 805

... 3rd Respondent in W.P.
33552/02

The Management,
Neyveli Lignite Corporation
Elementary Schools, Neyveli

... 4th Respondent in
W.P.33552/02

District Elementary Educational
Officer, Dindigul District

... 2nd Respondent in
W.P.35103/02, 35104/02,
35105/02

... 3rd Respondent in
W.P.45515/02

Management of United Tea
Estates School, Chanraj,
Nilgiris - 643 204

... 3rd Respondent in
W.P.35103/02, 35104/02

The Management,
vivekananda vidalaya,
Thittukal, Ootacamund,
Nilgiris - 643 204

... 3rd respondent in
W.P.35105/02

The District Elementary
Educational Officer,
Nagarcoil, Kanyakumari
District - 629 001

... 5th Respondent in
W.P.No.30440/02
... 3rd Respondent in W.P. 35405/02,

46680/02, 46681/02, 46682/02,
46683/02, 855/03, 856/03,
857/03, 858/03

The Correspondent Duthie
Primary School, Nagarcoil,
Kanyakumari
District - 629 001 ... 4th Respondent in
W.P.35405/02

The Assistant Elementary Education
Officer, Madurai East Range
Near Cinipriya theatre, Madurai
... 3rd Respondent in WP
35745/02

Additional Assistant Elementary Educational
Officer, Kadayam
Tirunelveli District - 627 415
.... 3rd Respondent in
WP 37020/02

Annadana Chathira Trust
rep by its Secretary
Kadayam 627 415 4th Respondent in WP 37020/02

Assistant Elementary Educational Officer, Alwar
Thirunagari at Thenthiruperai
Tuticorin District ... 2nd Respondent in WP 38250/02

The District Elementary Educational Officer Salem - 7
... 3rd Respondent in WP 39134/02,
45514/02, 3588/03, 4371/03,
6229/03,
... 4th Respondent in WP 7853/03

The Assistant Elementary
Educational Officer
Ambasamudram
Tirunelveli District ... 4th Respondent in WP 39134/02
5th Respondent in WP 3588/03 4371/03

The P.L.L.A. Primary School
rep by its Secretary
Vikramasingapuram
Tirunelveli District ... 5th Respondent in WP 39134/02

Gokula Vilas Primary
School rep by its Secretary
Salem - 6 6th Respondent in WP 39134/02

Assistant Elementary Educational Officer
Alangulam Range,
Tirunelveli District ... 2nd Respondent in WP 39405/02

The District Elementary Educational Officer
(In charge)
Vellore District Vellore
..... 1st Respondent in WP 39854/02

The Additional Assistant Elementary Educational
Officer, Sholinghur Range,
Vellore District .. 2nd Respondent in WP 39854/02

District Elementary Education officer,
Vellore. ... 2nd Respondent in WP.No.39906/02

The Assistant Elementary Educational
Officer, Tuticorin (Urban)
Tuticorin - 628 002...4th Respondent in WP 40290/02
5918/03, 10292/03

The District Elementary Educational
Officer, Villupuram -- 1st Respondent in WP 41974/02

The Assistant Elementary,
Educational Officer,
Thiruvannaimallur,
Villupuram District. ...2nd Respondent in WP.No.41974/02

District Elementary Educational,
Officer, Office of the District
Elementary Education, District
Collectorate Compound, Virudhunagar,
...1st Respondent in WP.No.42308/02
...3rd Respondent in WP.No.7079/2003

The Additional Assistant
Elementary Educational,
Officer, Virudhunagar,
...2nd Respondent in WP.No.42308/02

3. Hindu Primary School,
rep by its Secretary,
Kasirajan, Mallaiyanayakanpatti,
Appanayakanpatti & Post,
Ramasamy Raja Nagar Via,
Virudhunagar District.

...3rd Respondent in WP.No.42308/02

The District Educational Officer,
Kuzhithurai, Kanyakumari District.

...8th Respondent no WP.No.30440/02 4th
Respondent in WP.No.44608/02 14440/03
3rd Respondent in WP.34658/03.

The Management Village UP.Lift
Primary School, Old Aruvankadu,
Aruvankadu Post,
The Nilgiris - 634 202. ...4th Respondent in WP.45514/02,
45515/02.

Assistant Elementary Educational Officer,
Karingal and Post,
Kanyakumari District, ...4th Respondent in WP.46680/02,46681/02
46682/02,46683/02.

The Corporate Manager,
Lutheran Schools, Lutheran Central,
Nagercoil, Kanyakumari District. ...5th Respondent in WP.46680/02,46681/02
46682/02,46683/02,855/03,856/03,857/03,858/03.

District Elementary Educational Officer,
Ramanathapuram. ...1st Respondent in WP.159/03,160/03.

District Elementary Education Officer,
Sivaganga. ...2nd Respondent in WP.44759/02,159/03
160/03

The Assistant Elementary Educational Officer,
Devakottai. ...3rd Respondent in WP.44759/02

Additional Assistant Elementary
Educational Officer, Kallal,
Sivaganga District. ...3rd Respondent in WP.159/03, 160/03

Secretary, somasundaram
Middle School, Siravayal,
Thirupathur Taluk,
Sivaganga District. .4th Respondent in WP.159/03

Secretary, L.A.R Middle School,
Managiri-630307,
Sivaganga District. .4th Respondent in WP.160/03

The Additional Assistant Elementary
Educational Officer, Nagercoil,
Kanyakumari District. .4th Respondent in WP.855/03
856/03,857/03,858/03

District Educational Officer,
Nagercoil, Kanyakumari District.
.4th Respondent in WP.23389/02
45226/02, 1272/03.
.6th Respondent in WP.No.30440/02
.2nd Respondent in 8993/03,19903/03

District Education Officer,
Thuckalay, Kanyakumari District. .4th Respondent in WP.30305/02,
1632/03, 14439/03
.7th Respondent in
WP.No.30440/02

The Hindu Primary School,
rep.by its Secretary,
Ambasamudram,
Tirunelveli District. .6th Respondent in WP.3588/03
4371/03

Additional Assistant Elementary Educational
Officer, Alwarthirunagari Range,
Thenthiruperai & Post,
Tuticorin District. .4th Respondent in WP.4321/03

Additional Assistant Elementary Educational
Officer, Tirunelveli. .4th Respondent in WP.6229/03

The Secretary, Munnetra
Sangam Primary School,
Veeramanaickapuram. .5th Respondent in WP.6229/03

Additional Assistant Elementary Educational
Officer, Ottapidaram. - 2nd Respondent in
WP.No.6822/2003.

Secretary, Hindu Primary School
Jagaveerapandiapuram
Melasaithalai Post
Tuticorin District.

- 3rd Respondent in
WP.No.6822/2003.

The Additional Assistant Elementary
Educational Officer
Radhapuram - 627 111
Tirunelveli District.

- 4th Respondent in
WP.No.7079/2003.

The Correspondent
St.Peter Middle School
Rayappapuram
Radhapuram Range
Tirunelveli District.

- 5th Respondent in
WP.No.7079/2003.

Assistant Elementary Education
Officer, Salem-7

- 3rd Respondent in
WP.No.7853/2003.

Secretary, Hindu Primary School
South Pudu Street
Tirunelveli-6.

- 5th Respondent in
WP.No.7853/2003.

Additional Assistant Elementary
Educational Officer
Vedaranyam
Nagapattinam.

- 3rd Respondent in
WP.No.9299/2003,
9858/2003, 9991/2003,
9993/2003, 9994/2003,
10038/2003.

- 2nd Respondent in
WP.No.10609/2003.

The Registrar
Tamilnadu Administrative Tribunal
High Court Campus
Chennai.

- 4th Respondent in
WP.No.9299/2003,
9857/2003, 9858/03,

9991/2003, 9993/03,
9994/03, 10038/03,
10057/03.

- 3rd Respondent in
WP.No.10609/2003.

Assistant Elementary Educational
Officer, Vedaranyam
Nagapattinam District.

- 3rd Respondent in
9857/2003,10057/03.

Chief Educational Officer
Tirunelveli District
Tirunelveli-9.

- 2nd Respondent in
WP.No.11295/2005.

District Educational Officer
Tenkasi
Tirunelveli District

- 3rd Respondent in
WP.No.11295/2003.

The District Educational Officer
Tiruchendhur Road
Tuticorin-628 003.

- 3rd Respondent in
WP.No.14757/2003.

Petitions under Article 226 of the Constitution of India,
praying that in the circumstances stated therein, and in the
affidavit filed therewith the High Court will be pleased to issue
Writ of:

I. certiorari (1) calling for the records relating to
the order passed by the 3rd respondent in Na.Ka.No.12434/Aa 5/98
dated 20.10.1999 and quash the same. (W.P.No.17732/99).

(2) calling for the records relating to the 3rd respondent
issued in his proceedings No.Na.Ka.7401/A2/2001, dated 31.10.2001
and his consequential order dated 19.11.2001 and quash the same in
so far as the declaring 13 secondary grade teacher post with
teachers is surplus in the petitioner Jayabharath Middle School,
Sellur. (W.P.No.23514/2001)

(3) calling for the records of the respondents resulting
in the impugned order of the 3rd respondent in R.C.No.4699/B2/2001
dated 8.1.2002 and quash the same. (W.P.No.1983/2002).

(4) calling for the records relating to the impugned order of the Respondent in Na.Ka.No.3781/A2/2001 dated 11.1.2002 and quash the same. (W.P.Nos.3022/2002, 3023/2002).

(5) calling for the records relating to the order of the 3rd respondent issued in Na.Ka.8487/A4/2001 dated 7.3.2002 quash the same in so far as declaring the 5 Secondary Grade posts and 7B, 7 Assistant Posts as surplus for the academic year 2001-2002 (W.P.No.23389/2002).

(6) calling for the records pertaining to the order passed by the first respondent in his proceedings Na.Ka.No.6921/Aa3/2001 dated 11.6.2002 and quash the same. (W.P.Nos.23625/2002, 29588, 29893/2002).

(7) calling for the records in Na.Ka.No.6573/A1/2001 dated 30.7.2002 on the file of the second respondent and as communicated by the third respondent on 31.7.2002 and quash the same. (W.P.No.29775/2002, WP.34149/2002).

(8) calling for the records connected with R.C.No.46921/A3/2001 dated 14.5.2002 issued by the first respondent herein and CM.No.291/2002, 294/2002 dated 31.5.2002 issued by the second respondent and to quash the said orders in so far as the petitioner is connected. (W.P.Nos.29838/2002, 32100/2002).

(9) calling for the records relating to the order of the third respondent passed in his proceedings Na.Ka.No.8065/A4/2001 dated 4.3.2002 and the consequential deployment order passed by the 4th respondent issued in Na.Ka.No.3701/A2/2002 dated 27.6.2002 and quash the same in so far as declaring I.B.T. Assistant Science and Physical Director post of the petitioner school as surplus for the academic year 2001-2002. (W.P.No.30305/2002).

(10) calling for the records pertaining to the proceedings of the 1st respondent in Na.Ka.No.6573/Aa1/2001 dated 30.7.2002 only in respect of the petitioner, Serial Nos.21,22, 9 and 26 and quash the same. (W.P.Nos.32916 to 32919/2002).

(11) calling for the records of the second respondent herein made in Na.Ka.No.5415/Aa3/2001 dated 27.8.2002 and quash the same. (W.P.Nos.35103 to 35105/2002)

(12) calling for the records pertaining to the orders passed by the first respondent in his proceeding Na.Ka.No.6573/Aa1/2001 dated 30.7.2002 and the consequential order passed by the second respondent in his proceedings Na.Ka.No.1070/A1/2002 dated 31.7.2002 and quash the same as per as

the petitioners school is concerned. (W.P.No.38250/2002)

(13) calling for the records in Na.Ka.No.1017/A1/2002 dated 3.10.2002 passed by the 4th respondent and the order of the third respondent in Na.Ka.No.8441/A1/2001 dated 28.9.2002 and quash the same. (W.P.No.39134/2002)

(14) calling for the records of the 1st respondent in Na.Ka.No.7181/B2/2002 dated 28.9.2002 and quash the same. (W.P.No.39405/2002).

(15) calling for the records of the first respondent in Na.Ka.No.5468/A2/2002 dated 18.10.2002 and quash the same (W.P.No.39854/2002).

(16) calling for the records made in Na.Ka.No.5468/A2/2002 dated 18.10.2002 of the second respondent and quash the same. (W.P.No.39906/2002)

(17) calling for the records connected with Rc.No.7277/A4/2001 dated 7.12.2001 on the file of the first respondent herein and to quash the said order . (W.P.No.41974/2002)

(18) calling for the records of the third respondent issued in his proceedings Na.Ka.No.9640/A4/2002 dated 26.11.2002 quash the same in so far as declaring 5 B T Assistants Posts and one post of Physical Education teacher as surplus for the academic year 2002-2003. (W.P.No.45226/2002).

(19) calling for the records of the second respondent herein made in Na.Ka.No.3781/Aa2/2001 dated 4.10.2002 and 23.8.2002 and quash the same. (W.P.Nos.45514/2002, 45515/2002).

(20) calling for the records connected with R.C.No.4245/A3/2002 dated 18.12.2002 issued by the District Elementary Educational Officer, Ramanathapuram in so far as the petitioner is concerned (W.P.No.159/03, 160/03)

(21) calling for the records made in Na.Ka.No.7181/B2/2002 dated 25.1.2003 on the file of the third respondent and quash the same (W.P.No.6229/03)

(22) calling for the records connected in with the orders of the District Elementary Educational Officer Tuticorin in his Rc No.6573/A1/2001 dated 30.7.2002 and to quash the order in so far as the petitioner is concerned (W.P.No.6822/03)

(23) calling for the records connected with the proceeding of the District Elementary Education Officer, Salem -7 in Rc.No.8441/A1/2001 dated 28.9.2002 and to quash the said order (w.P.7853/03)

(24) calling for the records relating to proceedings of the first respondent in RC No.9535/A3/02 dated 10.1.2003 in so far as rendering a post of B.t. Assistant (Maths) in the petitioner school as surplus and consequential communication issued by the first respondent in Na.Ka.No.8624/A4/2002 dated 8.3.2003 and quash the same as illegal. (W.P.No.8993/2003.)

II. Certiorarified Mandamus:

1.calling for the proceedings of the fourth respondent:

(1) dated 26.10.2001 and made in Na.Ka.No.297 of 2001. (W.P.Nos.25369/2001 and 675/2002).

(2) dated 19.10.2001 and made in Na.Ka.No.A1/1830/2001. (W.P.No.25370/2001).

(3) dated 12.10.2001 and made in Na.Ka.No.2247/A2/2001. (W.P.No.674/2002).

(4) dated 27.11.2001 and made in Na.Ka.No.761/A-1/2001. (W.P.No.676/2002) and

(5) dated 25.12.2001 and made in Na.Ka.No.3666/A3/2001 (W.P.No.6594/2002) respectively and quash the same and consequently direct the respondents herein to implement the Government order in G.O.Ms.No.525 in accordance with the Judgment rendered in W.A.No.1768 of 1998 on the file of this court (W.P.Nos.25369, 25370 of 2001 and 674 to 676 and 6594 of 2002).

2. calling for the records on the file of the second respondent in connection with the proceedings Na.Ka.No.4699/aa2/01 dated 26.12.2001 and quash the same and consequently direct the respondents to permit the petitioner to run the school with the available teachers (WP.No.286/02, 503, 520, 521, 523 to 526/2002)

3. calling for the records relating to the order of the second respondent passed in his proceedings Na.Ka.No.103720/C.5/C.20/2001 dated 15.4.2002 quash the same and consequently direct the Respondents 4 to 8 to assess the Staff strength of aided schools strictly in accordance with G.O.Ms.No.525, Education, dated 27.12.1997 and the amendments issued and also as per G.O.Ms.No.1820 Education Department, dated 2.11.1984 by assessing the average

strength of the August of the academic year (WP.No.30440/02);

4. calling for the records pertaining to the impugned order of the first respondent passed in Na.Ka.No.6921/A3/2001 dated 11.6.2002 and the order of the second respondent passed in Na.Ka.No.297/2002 dated 7.8.2002 and quash the same and consequently directing the respondent to allow the petitioner to continue the service in third respondent school or in any other vacancy within the administrative Unit of the second respondent including the fourth respondent school (WP.33552/2002).

5. calling for the records on the file of the second respondent in connection with the proceedings Na.Ka.No.4203/A3/2002 dated 13.9.2002 and quash the same and consequently direct the respondents to permit the petitioner to run the school with the available teachers without any deployment (WP.36767/2002)

6. calling for the records of the third respondent in his proceedings No.915/A2/2002 dated 29.7.2002 quash the same and direct the respondents 2 and 3 to grant approval and sanction for the absorption of the petitioners herein in the vacancy existing the 4th respondent Management School (WP.37020/2002)

7. calling for the records relating to the order of the third respondent passed in his proceedings in Na.Ka.No.7203/A4/2002 dated 23.9.2002 and Na.Ka.No.7574/A1/2002 dated 3.10.2002; respectively and quash the same and direct the respondents to fix the staff strength of each school in the petitioners TDTA Management Schools of Tirunelveli District and Tuticorin District respectively in terms of para 30 of WA.No.1768/98 etc. batch Judgment dated 9.11.2000 sanction additional posts to all the needy schools of the petitioner Management taking note of retirement vacancies arose from 2002-2003 (WPs.39858/2002 & 39859/2002)

8. calling for the records relating to Na.Ka.No.6573/B1/2001 dated 23.10.2002 of the third respondent herein and quash the same and direct the respondents 1 to 4 to fix the staff strength of the petitioner school in terms of para 5 of G.O.Ms.No.525, Education Department dated 29.12.1997 based on the strength (Roll) of pupils. (WP.40290/2002)

9. calling for the records from the first respondent relating to his proceedings O.M.No.3238/A3/2002, dated 9.8.2002, and quash the same and consequently further direct the first respondent to post the petitioner herein in any of the school maintained by the Government within Virudhunagar Panchayat Union or its neighbourhood Panchayat Union with pay protection (WP.42308/2002)

10. calling for the records relating to the order of the second respondent Na.Ka.No.103720/C5C20/2001 dated 15.4.2002 and the consequent proceedings of the 4th respondent D.E.O. Na.Ka.No.2015/A2/02 dated 28.8.2002 withdrawing the posts of 1-B.7, Assistant (History) and 1 post of PET in the petitioner school, quash the same and consequently direct the third respondent herein to revise the staff fixation in the light of the norms set out by the first respondent Government under G.O.Ms.No.525, Education dated 27.12.1997 and the amendments issued and also as per G.O.Ms.No.1820 dated 2.11.1984 by assessing the average strength of the August of the academic year and the Judgment of this court dated 9.11.2000 in WA.No.1768 of 1998 etc. within a reasonable time as may be specified by this Court (WP.44608/2002)

11. calling for the records made in Na.Ka.No.986/A1/2002 dated 16.8.2002 on the file of the third respondent and quash the same and forbear the second respondent from redeploying the following teachers from the petitioners School (1) R.M.Vasuki (2) P.Kalavalli (3) P.Somasundaram (4) R.Shanthi (5) T.Muthumeenal (WP.44759/2002).

12. calling for the records of the third respondent issued in Na.Ka.No.5787/A4/2002 dated 31.10.2002 and the consequential direction to appear for counselling issued in Na.Ka.No.5787/A4/2001 dated 23.12.2002 and 27.12.2002 (WP.No.855/2003) quash the same and consequently direct the third respondent to fix the staff strength of the fifth respondent schools in accordance with G.O.Ms.No.525, Education, dated 29.12.1997 as interpreted by this Court (WPs.46680 to 46683 of 2002, 855 to 858/2003)

13. calling for the records of the fourth issued in Na.Ka.No.8524/A2/2002 dated 17.10.2002 in so far as declaring one secondary grade post as surplus and not sanctioning one B.T.Assistant (Maths) and one Tamil Pandit are concerned and direct the respondents herein to sanction one B.T.Assistant (Mathematics) from 1.6.1998 and second Tamil Pandit Post from 14.9.1999 and consequently to approve the appointments of B.Maybal Sakaunthalaas B.T.Assistant (Mathematics) and Starry Ido Kumari as Tamil Pandit respectively with salary and other benefits (WP.1272/2003)

14. calling for the record of the third respondent issued in Na.Ka.No.9644/A4/2002 dated 29.11.2002 and the consequential deployment order issued by the 4th respondent in Na.Ka.No.3701/A2/2002 dated 10.1.2003 and quash the same in so far as declaring one B.T. Asst. (Science) as surplus and deployment and direct the third respondent to sanction one additional B.T. Asst.Post to the petitioner School from 1.6.2002 based on the strength in accordance with G.O.Ms.No.525, Education dated 29.12.1997 (WP.No.1632/03)

15. calling for and examine the entire records of the 3rd Respondent's order in Na.Ka.No.7181/B2/2002 dated 28.9.2002 and the 5th Respondent's order in Na.Ka.No.1705/A1/2002 dated 3.10.2002 and to quash the same, consequently directing the Respondents 1 to 5 to fix the Pupils ratio in terms of para 5 of G.O.Ms.No.525, School Education Department dated 29.12.1997 based on the strength of the pupils (WP.No.3588/03).

16. calling for the records of the third respondent issued in Na.Ka.No.7401/A2/2002 dated 1.8.2002 and the consequential order issued in Na.Ka.No.6573/A1/2001 dated 23.10.2002 and quash the same and consequently direct the third respondent to fix staff strength of the petitioner's school in accordance with G.O.Ms.No.525 Education, dated 29.12.1997 as interpreted by this Court (WP.No.4321/03).

17. calling for and examining the entire records of the third respondent's order in Na.Ka.No.7181/B2/2002 dated 13.11.2002 and to quash the same, consequently directing the Respondents 1 to 5 to fix the pupils ratio in terms of para 5 of G.O.Ms.525, School Education Department dated 29.12.1997 based on the strength of the pupils (WP.No.4371/2003)

18. calling for the records relating to Na.Ka.No.6573/B1/2001 dated 23.1.2003 and 24.3.2003 respectively of the third respondent herein and quash the same and direct the respondents not to accord direct payment to the teachers of the petitioner school contrary to G.O.Ms.No.525 Education dated 29.12.1997 (WP.No.5918/2003, 10292/03)

19. calling for the records relating the impugned order of transfer issued by the third respondent in Na.Ka.No.6842/A2/2001 dated 01.2003 signed on 17.2.2003 quash the same and consequently direct the respondents to follow the norms prescribed in G.O.Ms.525 dated 29.12.1997 by retaining the petitioner in the 5th Respondent School as a Secondary Grade Teacher. (WP.No.7079/03).

20. calling for the record on the file of the fourth and third respondents respectively in connection with the order dated 27.2.2003 made in O.A.No.3262/02 and 3496/02 on the file of the second and first respondents respectively in connection with his proceedings Na.Ka.No.2010/A4/2002 dated 9.6.2002 and quash the same and consequently permit the petitioner to continue in the same station without any interference (WP.No.9299/03, 10609/03).

21. calling for the records on the file of the second respondent in connection with his proceedings in Na.Ka.No.2010/A4/2002 dated

9.6.2002 and 10.6.2002 (WP.No.9858/03) and on the file of the fourth respondent in connection with the order dated 27.2.2003 in OA.Nos.3227/02, 3296/02, 3228/02, 3263/02, 3127/02, 3268/02 and 3226/02 and quash the same and consequently permit the petitioners to continue in the same station without any interference (WP.No.9857, 9858, 9991, 9993, 9994, 10038, 10057/03)

22. calling for the records of the second respondent dated 14.12.2002 made in Na.Ka.No.10715/A3/2002-2003 and quash the same and consequently direct the second respondent to grant the staff strength as contained for the academic year 2001 -2002 for the 1st writ petitioner's School in terms of the Inspection Report dated 18.11.2002 of the third respondent (WP.No.11295/03)

23. calling for the records relating to the order passed by the third respondent in the proceedings Na.Ka.No.9651/A4/2002 and Na.Ka.No.10757/A4/2003 respectively dated 12.11.2002 and quash the same in so far as declaring B.T. Assists Post (Science) as surplus in L.M.S. Higher Secretary School, Zionpuram and Methicode, respectively of the petitioner Management is concerned and direct the third respondent to fix staff strength of the school as per the norms issued in G.O.Ms.No.525 Education dated 29.12.1997 (WP.Nos.14439 and 14440/03).

24. calling for the records relating to the order dated 25.4.2004 issued by the first respondent in his proceedings Na.Ka.No.3187/A3/03 confirming the earlier order issued by him and Na.Ka.No.9535/A3/02 dated 10.1.2003 in so far as rendering one post of secondary grade Teacher as surplus as illegal and to direct the second respondent to approve the appointment of S.S.Herlin Latha as Secondary Grade teacher w.e.f her date of appointment in 12.8.2002 (WP.No.19903/03), and

25. calling for the records relating to the proceedings of the third respondent, District Educational Officer, Kuzhithurai in Na.Ka.No.07199/A3/2003 dated 6.10.2003 settling the staff fixation for the petitioner school for the year 2003 - 2004 quash the same in so far as it render three posts of Secondary Grade teachers as surplus, and further direct the third respondent herein to maintain the staff strength in terms of G.O.Ms.No.525 (School Education dated 29.12.1997 and the judgment of this Court dated 9.11.2000 in WA.No.1768/98 etc. (WP.No.34658/03).

III Mandamus

(i) directing the first respondent to upgrade the petitioner existing post with other monetary benefits from 1.6.1998 in terms of G.O.Ms.525 School Education (D1) Department dated 29.12.1997. (WP.No.13023/02).

(ii) directing the respondents to refrain from disturbing the petitioner an approved Secondary Grade Teacher - from the 4th Respondent School and desist from redeploying her to any other School in contravention of G.O.Ms.525 (School Education) dated 29.12.1997 (WP.No.35405/02)

(iii) Forbearing the respondents from transferring any of the teaching posts with teachers from the petitioner school to any other school in the guise of Surplus posts (WP.No.35745/02).

(iv) directing the respondents to stop further deployment of teachers who were treated as surplus till the final decision regarding the pupil teachers ratio. (WP.No.37441/2002).

(v) directing the respondents 1 and 2 herein to approve the appointment of Tamilselvi, as Tamil Pandit appointed on 11.8.1997 with salary and to pass as order of new appointment of one more Tamil Pandit in the petitioner school with salary and all other attendant benefits from the date of appointment as per para 5 of G.O.Ms.No.525, School Education, dated 29.12.1997 and as per letter No.21727/D1/2001-1 dated 17.9.2001 of the first respondent herein. (WP.No.14757/03).

ORDER:

These Writ Petitions coming on for hearing on Tuesday, the Fifteenth day of November 2005 upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of Mr.C.Selvaraj, Senior Counsel for Mr.S.Kamadevan, Advocate for the petitioner in WP.Nos.17732/99, 38250/2002 and for Mr.M.S.Mani, Advocate for the petitioner in WP.No.23625 of 2002 and of Mr.K.Ravichandra Babu, Advocate for the Petitioner in WP.Nos.23514/2001, 23389, 30305, 39858, 39859, 45226, 46680 to 46683 of 2002 and 1272/2003, 1632/2003, 4321/2003, 14439 and 14440 of 2003 and of Mr.K.Vijayakumar, Advocate for the Petitioner in WP.Nos.855/2003 to 858 of 2003 and of Mr.A.Jenasenan, Advocate for the Petitioner in WP.Nos.25369/2001, 25370/2001, 674/2002 to 676 of 2002, 6594 of 2002 and of Ms.T.Aananthi, Advocate for the Petitioner in WP.Nos.286,503,520,521,523 to 526, 36767 of 2002 and 9299, 9357, 9858, 9991, 9993, 9994, 10038, 10057 & 10609 of 2002 and of Mr.A.Ilango, Advocate for the Petitioner in WP.No.1983/2002 and of Mr.P.Rajendran, Advocate for the Petitioner in WP.No.3022 & 3023 of 2002 and of Mr.M.J.Sundar, Advocate for the Petitioner in WP.No.13023 of 2002 and of Mr.K.Srinivasan, Advocate for the Petitioner in WP.Nos.29775/2002, 34149/2002 and of Mr.R.Ganesan, Advocate for the Petitioners in WP.Nos.29838,29893, 32100, 37441,41974 of 2002 and 159, 160, 6822 & 7853 of 2003 and of Mr.T.S.Sivagnanam, Advocate for the Petitioner in WP.No.30440/2002

and of Mr.S.James, Advocate for the Petitioner in WP.Nos.32916 to 32919 of 2002 and of Mr.V.Kathiravan, Advocate for the Petitioner in WP.No.33552 of 2002 and of Mr.Suresh Viswanath, Advocate for the Petitioner in WP.Nos.35103 to 35105/2002 and of Mr.Isaac Mohanlal, Advocate for the Petitioner in WP.No.35405 of 2002 and of Mr.S.Silambanan, Advocate for the Petitioner in WP.No.35745 of 2002 and of Mr.K.V.Subramanian, Advocate for the Petitioner in WP.No.37020 of 2002 and of Ms.R.T.Shyamala, Advocate for the Petitioner in WP.No.39134 of 2002 and of Mr.G.Jeremiah, Advocate for the Petitioner in WP.Nos.39405, 39854 of 2002 and of Mr.R.Santhanam, Advocate for the Petitioner in WP.No.39906 of 2002 and of Mr.R.Dharmaraj for M/S.Dharmaraj & Associates, Advocate for the Petitioner in WP.Nos.40290/2002, 5918/2003, 10292, 14757 of 2003 and of Mr.V.Venkatasamy, Advocate for the Petitioner in WP.No.42308 of 2002 and of Mr.S.Giridharan, Advocate for the Petitioner in WP.No.44608/2002 and of Mr.S.N.Ravichandran, Advocate for the Petitioner in WP.No.44759 of 2002 and of Mr.Srinath Sridevan, Advocate for the Petitioner in WP.Nos.45514 & 45515/2002 and of Mr.M.Chidambaram, Advocate for the Petitioner in WP.Nos.3588 & 4371 of 2003 and of Mr.S.N.Ravichandran, Advocate for the Petitioner in WP.No.6229 of 2003 and of Mr.K.S.Kumar, WP.No.7079/2003 and of Mr.Ajmal Khan, Advocate for the Petitioner in WP.Nos.8993/2003 & 19903 of 2003 and of Ms.G.Thilakavathi, Advocate for the Petitioner in WP.No.11295 of 2003 and of Mr.C.Mohanlal, Advocate for the Petitioner in WP.No.34658 of 2003 and of Mr.R.Muthukumarasamy, Additional Advocate General assisted by Mr.V.Karthikeyan, Additional Government Pleader (Edu) on behalf of the Government and having stood over for consideration till this day, the Court made the following Order:

COMMON ORDER

(Order of the Court was made by P. SATHASIVAM, J.)

Since the issue raised in all these writ petitions is one and the same, they are being disposed of by the following common order.

2. The above batch of writ petitions have been filed questioning the orders passed by the educational authorities directing deployment of teachers found surplus in the respective schools based on G.O.Ms.No.525 Education Department, dated 29.12.1997.

3. The facts leading to filing the above writ petitions are as follows:

- (a) The writ petitioners are either the respective school managements or the deployed teachers, who question the

orders passed by the authorities. On 29.12.1997, the Government had issued orders in G.O.Ms.No.525 School Education, prescribing revised norms for sanctioning the required number of posts in the Elementary / Middle / High and Higher Secondary Schools for purposes of aid. The writ petitions are mostly related to Elementary and Middle Schools, to which the norms for sanction of required number of posts of teachers are common. As per the aforesaid Government Order, the teacher-pupil ratio, 1:40 was required to be followed with a minimum of 2 secondary grade teachers upto the strength of 80. The Government Order further provided that for every additional strength of 40 students, one post of secondary grade teacher will be sanctioned. The order further directed that the third post will be sanctioned when the student strength reaches 100 and the fourth and subsequent post will be sanctioned for every addition of 40 students.

- (b) The Government Order and the directions issued by the Government stipulate that the strength of the students will be examined by taking into account the average attendance for the month of August. It was further provided that in the event of there being excessive teachers, the surplus teachers will be deployed to the neighbouring schools.
- (c) The aforesaid Government Order was questioned in a batch of writ petitions. By order dated 06.10.1998, this Court upheld the validity of the above Government Order. Writ Appeals (W.A.No.1768 of 1998 etc., batch) filed against the said orders were also dismissed by order dated 09.11.2000.

4. It is brought to our notice that the Government Order in G.O.Ms.525 was directed to take effect from 01.06.1998. On account of the pendency of the writ petitions and thereafter the writ appeals, no action could be taken to implement the Government Order till 09.11.2000. After the dismissal of the writ appeals, action was taken to implement the Government Order. After ascertaining the average attendance of students in August, 2001, orders were issued by the educational authorities deploying the excess teachers wherever found, to the neighbouring schools. Those orders were challenged in this batch of writ petitions.

5. While disposing of the writ appeals, the earlier Division Bench has taken note of a circular issued by the educational authorities and observed that schools will be entitled to a third teacher when the strength is 81. The said circular

issued in 1998 was plainly inconsistent with the Government Order and the said circular was rescinded even in December, 1998. However, the Division Bench, while rendering judgment in the writ appeals, took note of the said circular and observed that schools with student strength of more than 80 would be entitled to a third teacher when the strength is 81 and thereafter one teacher for every additional 40 students. In this regard, a clarification petition, viz., WAMP.No.5667 of 2003 was filed by the Government, was heard by a Division Bench, which ultimately passed orders on 12.05.2004, clarifying the order passed in the writ appeals to the effect that the third teacher will be sanctioned only when the student strength is 101 and thereafter the school will be entitled to one teacher for every addition of 40 students, viz., 140, 180, 220, etc.

6. It is the case of the petitioners that the educational authorities had implemented the Government Order strictly from August 2001 by taking into account the provisions contained in the said Government Order and they did not take note of the circular issued by the authorities in February, 1998, which was rescinded even in December, 1998.

7. The contention of the writ petitioners in the batch of writ petitions is twofold.

- (a) Firstly, they contend that since the Division Bench judgment in the writ appeals had referred to the entitlement of a third teacher when the student strength is 81, which had been corrected in the clarification petition in 2003 only, the impugned orders passed in 2001 or 2002 should be set aside and the authorities should be directed to perform a re-exercise by testing the student strength as of August 2005 and pass fresh orders.
- (b) Secondly, having regard to the fact that there had been change of circumstances by efflux of time as there would have been retirement etc., of the existing teachers who continued on account of stay orders, it is just and necessary that a re-exercise is to be done so that the student and the teachers strength as on August 2005 be taken into account before passing appropriate orders by the authorities. It is further contended that by doing this exercise there will be no prejudice caused to anybody.

8. So far as the first contention is concerned, the observation by the Division Bench judgment to the effect that the

schools will be entitled to a third teacher when the student strength is 81 was based on a circular which was rescinded even in 02.12.1998 and having regard to the fact that the authorities had implemented only the Government Order strictly according to its terms from August, 2001, there is no necessity to perform the exercise again. Further, the clarification petition and the order passed did not affect the impugned orders, since the impugned orders were passed strictly on the basis of the Government Orders, according to which the schools are entitled to a third teacher only when the student strength is 101 and additional teacher for every additional strength of 40.

9. With regard to second contention, even though the G.O.Ms.No.525 came into effect from 01.06.1998, it could not be implemented on account of pendency of writ petitions and writ appeals till November, 2000. After the dismissal of the writ appeals, the Government Order had been implemented by taking into account the strength of students in August 2001. It is perfectly valid, since the Government Order has been upheld and the same had been implemented in accordance with law and therefore no exception can be taken by the petitioners. The fact that there has been increase in the strength of students subsequently or number of teachers has dwindled by retirement, etc., cannot be a ground to invalidate the impugned order. It is also the submission of the Government that in the event of any particular order being incorrect and inconsistent with the Government Order in G.O.Ms.No.525, they had been corrected by appropriate orders. As the Government Order has been upheld finally and that the Government have implemented the Government Order strictly in accordance with its terms, the impugned orders cannot be invalidated and the respondents need not be directed to re-do the exercise.

10. In all the writ petitions, the petitioners, viz., School Managements and the Teachers are having no grievance regarding the order of the Government in G.O.Ms.No.525 Educational Department dated 29.12.1997. According to them, while ascertaining the Teacher-Pupil strength, the educational authorities have failed to consider various aspects. As rightly pointed out by the learned Additional Advocate General, the earlier Division Bench, particularly in the clarificatory order dated 12.05.2004, explained that as per G.O.Ms.No.525, the Teacher -Pupil ratio is 1 : 40 and only when the pupil strength is 80, second teacher post will be sanctioned and likewise, when the strength is 100, 3rd teacher post will be sanctioned and the 4th teacher post at 140, 5th teacher post at 180 and so on. We have also verified the impugned orders passed by the various educational authorities and we are satisfied that they were passed strictly on the basis of the Government Order, according to which the schools are entitled to third teacher only

when the student strength is 101 and an additional teacher for the additional strength of 40 students.

11. The other contention that the Educational Authorities failed to consider the change of circumstances by efflux of time, viz., retirement, voluntary retirement, death, etc., is concerned, we are of the view that after verification, if student strength is found increased, it is always open to the school authorities to highlight the same to the concerned educational authority / authorities by placing acceptable materials. If any such representation is made supported by acceptable evidence, it is for the educational authority / authorities to consider and pass appropriate orders, modifying their earlier decision.

12. Under these circumstances, we do not find any valid ground for interference in the orders of the respondents. We are satisfied that all the orders have been passed based on G.O.Ms.No.525 Educational Department dated 29.12.1997, which has been upheld by the Division Bench of this Court. As said earlier, in the case of retirement, voluntary retirement or death of a teacher and if there is any increase in pupils strength, the school management is free to represent the same to the educational authority and if any such representation is made, the concerned educational authority is duty bound to pass appropriate orders, after inspection and verification.

13. It is brought to our notice that in all the writ petitions, by virtue of interim orders granted by this Court, the deployed teachers were allowed to continue in the same schools. Considering the interest of the students studying in the respective institutions, we permit all the teachers concerned to continue if they so desire in the respective schools till the end of April, 2006. It is made clear that the respondents are free to implement their orders from 01.05.2006 onwards.

With the above observations, the writ petitions are dismissed. No costs. Connected miscellaneous petitions are also dismissed.

kh

23.12.2005

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Govt. of Tamil Nadu,
Education Department, Secretariate,
Chennai 9.
2. The Director of Elementary Education,
Chennai 6.
3. The District Elementary Educational Officer,
Tirunelveli.
4. The District Elementary Educational Officer,
Madurai - 2, Madurai District.
5. The Assistant Elementary Educational Officer,
Madurai (North) Range, Madurai.
6. The District Elementary Educational Officer,
Cuddalore.
7. The Assistant Elementary Educational Officer,
Neyveli.
8. The Assistant Elementary Educational Officer,
Kattumannarkoil.
9. The District Elementary Educational Officer,
Nagapattinam, Nagapattinam district.
10. The Assistant Elementary Educational Officer,
Bhuvanagiri.
11. The Assistant Educational Officer,
Vedaranyam Taluk, Nagapattinam District.
12. The District Elementary Educational Officer,
Coonoor, The Nilgiris District.
13. The Director of School Education,
College Road, Chennai 6.
14. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
15. The Assistant Elementary Educational Officer,
Kumaratchi, Cuddalore District.

16. The Additional Assistant Elementary Educational Officer, Keerapalayam, Cuddalore District.
17. The District Elementary Education Officer, Tuticorin District.
18. The Assistant Elementary Education Officer, Pudukottai, Tuticorin District.
19. The District Elementary Educational Officer, Thoothukudi District at Thoothukudi.
20. The District Elementary Educational Officer, Dindigul District.
21. The District Elementary Educational Officer, Nagercoil, Kanyakumari District 629 001.
22. The Assistant Elementary Educational Officer, Madurai East Range, Near Cinipriya Theatre, Madurai.
23. The Additional Assistant Elementary Educational Officer, Kodayam, Tirunelveli District 627 415.
24. The Assistant Elementary Educational Officer, Alwar Thirunagari at Thenthiruperai, Tuticorin District.
25. The District Elementary Educational Officer, Salem 7.
26. The Assistant Elementary Educational Officer, Ambasamudram, Tirunelveli District.
27. The Assistant Elementary Educational Officer, Alangulam Range, Tirunelveli District.
28. The District Elementary Educational Officer (Incharge), Vellore District, Vellore.
29. The Additional Assistant Elementary Educational Officer, Sholinghur Range, Vellore District.
30. The District Elementary Educational Officer, Vellore.
31. The Assistant Elementary Educational Officer, Tuticorin (Urban), Tuticorin 628 002.

32. The District Elementary Educational Officer,
Villupuram.

33. The Assistant Elementary Educational Officer,
Thiruvannainallur, Villupuram District.

34. The District Elementary Educational Officer,
Office of The District Elementary Education,
District Collectorate Compound, Virudhunagar.

35. The Additional Assistant Elementary Educational Officer,
Virudhunagar.

36. The District Educational Officer,
Kuzhithurai, Kanyakumari District.

37. The Assistant Elementary Educational Officer,
Karingal and Post, Kanyakumrai District.

38. The District Elementary Educational Officer,
Ramanathapuram.

39. The District Elementary Educational Officer,
Sivaganga.

40. The Additional Assistant Elementary Educational Officer,
Kallal, Sivaganga District.

41. The Additional Assistant Elementary Educational Officer,
Nagercoil, Kanyakumari District.

42. The District Educational Officer,
Nagercoil, Kanyakumari District.

43. The District Educational Officer,
Thuckalay, Kanyakumari District.

44. The Additional Assistant Elementary Educational Officer,
Alwarthirunageri Range, Thenthiruperai & Post,
Tuticorin District.

45. The Additional Assistant Elementary Educational Officer,
Tirunelveli.

46. The Additional Assistant Elementary Educational Officer,
Othapidaram.

47. The Additional Assistant Elementary Educational Officer,
Radhapuram 627 111, Tirunelveli District.

48. The Assistant Elementary Educational Officer,
Salem 7.

49. The Additional Assistant Elementary Educational Officer,
Vedaranyam, Nagapattinam.

50. The Registrar,
Tamil Nadu Administrative Tribunal,
High Court Campus, Madras.

51. The Assistant Elementary Educational Officer,
Vedaranyam, Nagapattinam District.

52. The Chief Educational Officer,
Tirunelveli District, Tirunelveli-9.

53. The District Educational Officer,
Tenkasi, Tirunelveli District.

54. The Chief Educational Officer,
Tuticorin District, Tuticorin 2.

55. The District Educational Officer,
Tuticorin District, Tuticorin 628 003.

56. The District Educational Officer,
Tiruchendur Road, Tuticorin -628 003.

57. The Assistant Elementary Educational Officer,
Vridhachalam.

58. The District Elementary Educational Officer,
Theni.

59. The Assistant Elementary Educational Officer,
Cumbum, Theni District.

60. The District Educational Officer,
Nagercoil, Kanyakumari District.

61. The Assistant Elementary Educational Officer,
Devakottai.

+15ccs to Ms. T.Aananthi, Advocate Sr Nos.191 to 199 & 204 to 208
+2ccs to Mr.K.Srinivasan, Advocate Sr Nos.297 & 298
+2ccs to Mr.M.Chidambaram, Advocate Sr 50809 & 50810
+2cc to Mr.S.N.Ravi Chandran, Advocate Sr 212 & 213
+4ccs to M/s.R.Dharma Raj & Association, Advocate Sr 108 to 111
+2ccs to Mr.K.Ravichandrababu, Advocate Sr 50843 & 50843
+1cc to Mr.K.Vijeyakumar, Advocate Sr 50842
+1cc to Mr.A.Ilango, Advocate Sr 50862
+1cc to Mr.Veera Kathiravan, Advocate Sr 68
+2ccs to Mr.M.Ajmal Khan, Advocate SR 50885 & 50886
+1cc to Mr.S.Silambanan, Advocate Sr 146
+1cc to Mr.S.Mani, Advocate Sr 225
+1cc to Mr.A.Jenasenan, Advocate Sr 50765
+1cc to M/s. G.Thilakavathi Advocate Sr 50856
+1cc to Mr.R.Ganesan, Advocate Sr 50855
+3ccs to Govt. Pleder Sr 14,15 & 17

Dated 23.12.2005

ORDER

WP No.17732 of 1999 etc. batch

Dismissing with observation the writ petitions to issue writs of Certiorari, Certiorarified Mandamus and Mandamus etc. as stated within.

gp, rvl, km, kk,
nm, dv, sr, rsm/1.2.06