

WEB COPY

WP(MD) NO. 20585 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-09-2025

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THE HONOURABLE MS. JUSTICE P.T. ASHA

WP(MD) NO. 20585 of 2017

AND

WMP(MD) NO. 16875 OF 2017, WMP(MD) NO. 15639 OF 2017, WMP(MD) NO. 16876 OF 2017, WP(MD) NO. 19322 OF 2017, WMP(MD) NO. 15638 OF 2017

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

Petitioner(s)

Vs

The Director Of Elementary
Education, College Road, Chennai- 600 006. and 10 Others

Respondent(s)

WP(MD) NO. 19322 of 2017

The Correspondent
Mar Gregarious High School, Kirathoor, Kanyakumari District,
Msc Schools, Diocese Of Marthandam, Kanyakumari District -
629 181 and 7 Others

Petitioner(s)

Vs

The Director Of School
Mar Gregarious High School, Kirathoor, Kanyakumari District,
Msc Schools, Diocese Of Marthandam, Kanyakumari District -
629 181 and 37 Others

Respondent(s)

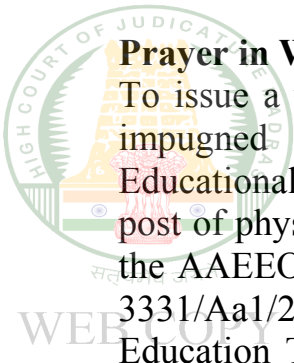
For Petitioner(s):

Mr.Ragadesh Kumar
for M/s.Isaac chambers

For Respondent(s):

Mr.R.Baskaran, Additional Advocate General

assisted by Mr.T.Amjad Khan, Government Advocate for R1 - R3



Prayer in W.P(MD)No.20585/2017:

To issue a writ of Certiorarified Mandamus calling for the records relating to impugned staff Fixation settled by the 2nd respondent district Elementary Educational Officer for the year 2013-2014 dated Nil, in so far as it renders the only post of physical education Teacher as surplus and the consequential proceedings of the AAEEEO 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 2nd respondent District Elementary Educational Officer to grant permission to the petitioner's school for filling up the post of Physical Education Teacher.

Prayer in W.P(MD)No.19322/2017:

To issue a writ of Certiorari, to call for the records relating to the proceedings of the 2nd respondent District Educational Officer in Na.Ka.No.5177/Aa3/2016 dated 06.09.2016 settling the staff fixation for the petitioner school for the year 2016-2017 quash the same in so far as it renders seven teaching posts as surplus.

ORDER

It is rather surprising and a cause for concern that the Government has placed a cap on engaging Physical Education Teachers by stating that only if there are a minimum of 250 students in a school, the post of a Physical Education Teacher will be sanctioned. Today we are faced with children who are couch potatoes and playing online games affecting not only their physical but also their mental state. Further child diabetes, depression etc is on the rise. An active body is required to have an active mind.

2. The learned counsel for the petitioner would inform the Court that as per the syllabus given to the schools indicates 2 period a day for Physical and Health Education. That being the case, this restriction placed by the Government appears incongruous. Therefore, the decision of the Education Department in the opinion of the Court is rather strange because without the physical education, the overall development of a child would be seriously impeded.



3. Therefore, this Court requires a report from the Government / Education Department on their policy with reference to having Physical Education Teachers in all schools including Government schools, Aided Schools, Unaided Schools, Corporation Schools etc., and the reason for the aforesaid restriction.

4. It is also informed that the Hon'ble Supreme Court is seized of similar cases where reports have been called for from various States and our State has also submitted a report. The learned counsel for the petitioner shall try to produce the report.

5. Post on 10.10.2025.

17-09-2025

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To

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.

4. The Director Of School Education,
College Road, Chennai – 600 006.

5. The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District – 629 001.

6. The District Educational,
Kuzhithurai at Marthandam, Kanyakumari District.