

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WA.No. 315 of 2015 () IN WP(C).32463/2014

AGAINST THE JUDGMENT IN WP(C) 32463/2014 of HIGH COURT OF KERALA
DATED 27-01-2015

APPELLANT(S)/PETITIONER :-

VISHNU K.J.
S/O.JAYAKUMAR K.N., PLUS TWO STUDENT
KANNADI HIGHER SECONDARY SCHOOL, KANNADI, KANNADI P.O
PALAKKAD DISTRICT, RESIDING AT KOLAPPADAM HOUSE
KUNISSERY P.O ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT(S)/RESPONDENTS :-

1. THE DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM - 695 001.
2. THE PRINCIPAL
KANNADI HIGHER SECONDARY SCHOOL, KANNADI
KANNADI P.O PALAKKAD DISTRICT - 678 501.

R1 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.315 of 2015

Dated this the 11th day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the appellant and the learned Government Pleader.

2. This writ appeal has been filed against the judgment dated 27.1.2015 passed in W.P.(C) No.32463 of 2014. The writ petition was filed by the petitioner/appellant, which was dismissed by the learned Single Judge. The petitioner had appeared for all the subjects of Plus One examination except one subject, namely, Political Science. He applied for appearing in the supplementary examination but unfortunately, he could not also appear for the same. The petitioner made a request for being permitted to appear in Plus Two examination, which request was not considered by the Principal. Hence, the petitioner filed a writ petition.

3. One of the prayer in the writ petition was to quash Clause (a) against the caption "Eligibility" in Ext.P5. The learned Single Judge considered the 'Eligibility' clause and held that the eligibility to appear in Plus Two arises only when a candidate has

appeared for all the subjects in Plus one. The petitioner has annexed the notification for Higher Secondary Examinations, 2015 as Ext.P5, in which, the "Eligibility" criteria is extracted as follows :-

- "a) Candidates admitted to the Higher Secondary Course through School/ Open School during the academic year 2013-2014 and who have appeared for all subjects at the First Year Higher Secondary Examination March/August 2014.
- b) Candidates admitted to the Higher Secondary course through School/ Open School and who had appeared for all subjects at any of the First Year Higher Secondary Examination conducted from March 2009 onwards, but were unable to register for the Second Year Higher Secondary Examination, can register for this Examination if they have obtained re-admission to the Second Year course through School/Open School in 2014-2015. The First Year scores obtained by these candidates at the First Year Higher Secondary Examination taken by them shall be carried forward.
- c) Candidates admitted to the Second Year Higher Secondary Course from other Boards/Institutions and who registered and appeared for all subjects as lateral entry candidates at the First Year Higher Secondary Improvement Examination, August 2014.
- d) Candidates who were readmitted to the Second Year Higher Secondary Course through Open School during 2014-2015 and who appeared for all subjects in the First Year Higher Secondary Improvement Examination August 2014 as lateral entry candidates."

-: 3 :-

4. A perusal of the above eligibility clause indicates that a candidate is eligible to appear in Plus Two only when he has appeared for all subjects in the First Year Higher Secondary Examination March/August 2014. Admittedly, the petitioner has not appeared in one subject. He could not even appear in the Supplementary examination for the same subject. The petitioner had thus knowledge about the eligibility to appear in Plus Two examinations. The appellant, having fully known about the eligibility criteria as noted above, has rightly been denied to appear in Plus Two examinations, 2015. We also do not find any ground to quash the 'Eligibility' criteria as noted above. We also find no error committed by the learned Single Judge in dismissing the writ petition. There is no merit in the writ appeal.

Hence, the Writ Appeal is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE