

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937**

**WA.No. 1276 of 2015**  
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**WP(C) 14791/2015, DATED 01-06-2015**  
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**APPELLANT(S)/PETITIONER:**  
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**P.M. SURYANARAYANAN (MINOR)  
REP.BY MOTHER SHALINI MENON, AGED 37 YEARS,  
W/O.MURALI, MOOTHEDATH HOUSE, THIRIPUNITHURA P.O.,  
ERNAKULAM-682301.**

**BY ADV. SRI.N.K.MOHANLAL**

**RESPONDENT(S)/RESPONDENTS:**  
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- 1. CENTRAL BOARD OF SECONDARY EDUCATION  
REPRESENTED BY CHAIRMAN, SIKHSHA KENDRA, NO.2,  
COMMUNITY CENTRE, PREET VIHAR, NEW DELHI - 01.**
- 2. DEPUTY DIRECTOR, REGIONAL OFFICE,  
CENTRAL BOARD OF SECONDARY EDUCATION, 2ND FLOOR,  
BLOCK B, LIC DIVISIONAL OFFICE CAMPUS, PATTOM,  
THIRUVANANTHAPURAM 01.**
- 3. PRINCIPAL,  
KENDRIYA VIDYALAYA, KADAVANTHRA, KOCHI 682 020.**

**R1 & 2 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE  
R3 BY SRI.K.MAYANKUTTY MATHER, SC**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24-06-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

**ASHOK BHUSHAN, CJ**

**&**

**A.M. SHAFFIQUE, J.**

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W.A. No. 1276 of 2015

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Dated this, the 24<sup>th</sup> day of June, 2015

## **J U D G M E N T**

**Ashok Bhushan, CJ**

This writ appeal has been filed against the judgment dated 1<sup>st</sup> of June, 2015 passed in W.P (C) No. 14791/2015. The appellant has filed the writ petition praying for following reliefs;

- i. issue an order of mandamus directing the 3<sup>rd</sup> respondent to make the entry as “qualified” at the result portion in the report card to be issued by the 3<sup>rd</sup> respondent.*
- ii. to declare that holding back the petitioner’s son in the IXth standard is illegal.*
- iii. to issue an order of mandamus commanding the 3<sup>rd</sup> respondent to promote the son of the petitioner to Standard X in any of the Kendriya Vidyalaya in Ernakulam forthwith.*
- iv. to issue an order of mandamus directing the respondents 1 and 2 to make action and punish the 3<sup>rd</sup> respondent for subjecting the minor son of the petitioner for screening, under section 13(1)(b), for holding back him under section 16 and for causing mental harassment to the minor son of the*

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*petitioner under section 17(2) of the Right of Children to Free and Compulsory Education Act, 2009.*

*v. to grant such other relief as this Honourable Court may deem fit to grant in the circumstances of the case.*

*And*

*vi. to award to the petitioner the cost in these proceedings."*

2. The petitioner had filed the writ petition seeking a direction with regard to her son, who was held back in the 9<sup>th</sup> standard. Petitioner's son also appeared in the improvement where also he could not succeed. Learned Single Judge had called for the answer sheets of the petitioner's son and noted that marks are consistently deplorable and below standard. Learned counsel for the appellant submits that had the answer sheets be evaluated by a panel of teachers, the petitioner's son would have definitely passed. He submits that the petitioner had filed a complaint against the Principal in the police station due to which Principal has interfered in the valuation.

3. We have considered the submissions of the learned counsel for the appellant and perused the records.

4. The assessment of answer sheet of a student is in the

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domain of an examiner. The Court normally do not interfere with the assessment of an answer paper. The submission of the learned counsel for the appellant that answer sheets have to be permitted to be evaluated by a panel of teachers does not appeal to us. No provision has been referred to where any right of evaluation of answer sheet may be ordered. The allegation against the Principal also need not be looked into since no one was impleaded personally so as to examine any allegation of bias on the part of the Principal.

Learned Single Judge has committed no error in dismissing the writ petition. We do not find any error in the judgment. Appeal is dismissed.

Sd/-  
**ASHOK BHUSHAN, CHIEF JUSTICE**

Sd/-  
**A.M. SHAFFIQUE, JUDGE**

Rp

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PS to Judge