

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 14791 of 2015 (Y)

PETITIONER :

**P.M.SURYANARAYANAN (MINOR)
REP. BY MOTHER MRS.SALINI MENON
W/O. MURALI, AGED 37 YEARS,
MOOTHEDATH HOUSE, THRIPIUNITHURA P.O.,
ERNAKULAM DISTRICT.**

BY ADV. SMT.I.SHEELA DEVI

RESPONDENT(S) :

- 1. CENTRAL BOARD OF SECONDARY EDUCATION
REPRESENTED BY ITS CHAIRMAN, SIKHSHA KENDRA, NO.2
COMMUNITY CENTRE, PREET VIHAR, NEW DELHI-110001**
- 2. DEPUTY DIRECTOR, REGIONAL OFFICE
CENTRAL BOARD OF SECONDARY EDUCATION, 2ND FLOOR
BLOCK B, LIC DIVISIONAL OFFICE CAMPUS, PATTOM
THIRUVANANTHAPURAM- 695001**
- 3. PRINCIPAL,
KENDRIYA VIDYALAYA,
KADAVANTHARA, KOCHI-682020**

**R1 & R2 BY ADV. SRI.DEVAN RAMACHANDRAN, SC
R3 BY ADV. SRI.K.MAYANKUTTY MATHER, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 14791 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE P.T.A.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 14791 of 2015 (Y)

Dated this the 1st day of June, 2015

J U D G M E N T

The petitioner has approached this Court raising allegations against the 3rd respondent and contending that the petitioner's son was purposefully and deliberately failed in the 9th standard examination. Allegations galore are made against the 3rd respondent, but this Court would not, in a petition under Article 226 of the Constitution of India, examine the same. However, the petitioner's contention was that, despite her son having qualified in the examination, he is held back in the 9th standard.

2. The learned Standing Counsel appearing for the respondents would contend that the petitioner's son is a student who has failed twice in the 9th standard and the regulations of the Kendriya Vidyalaya Sangathan provide that no student can be continued after two consecutive failures. In any event, considering the submissions made

and the allegations raised, the learned Standing Counsel very fairly produced the answer sheets of the petitioner's son for the subject in which he failed in the 9th standard for all the two years.

3. Though this Court has not attempted a valuation as such, the marks are consistently deplorable and below standard. In such circumstance, no direction can be issued to show the petitioner as qualified in the 9th standard and the provisions of the Right of Children to Free and Compulsory Education Act, 2009, do not extend to the petitioner's son who is a 9th standard student.

The Writ Petition would hence stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE