

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 16745 of 2015 (P)

PETITIONER(S) :

**MEENAKUMARI V., AGED 45 YEARS,
W/O.BALAKRISHNAN, FLAT NO.234, KOWDIYAR POST,
TRIVANDRUM-695 002.**

**BY ADVS.SRI.SEBASTIAN JOSEPH (KURISUMMOOTTIL)
SRI.JOHNSON K.KURIEN**

RESPONDENT(S) :

**1. CENTRAL BOARD OF SECONDARY EDUCATION,
REPRESENTED BY ITS DEPUTY SECRETARY,
REGIONAL OFFICER, BLOCK-B, 2ND FLOOR,
LIC DIVISIONAL OFFICE CAMPUS, PATTOM,
THIRUVANANTHAPURAM-695 004.**

**2. ST. THOMAS CENTRAL SCHOOL,
MUKKOLAKKAL, TRIVANDRUM-695 043,
REPRESENTED BY ITS PRINCIPAL.**

**R1 BY ADV.SRI.DEVAN RAMACHANDRAN, S.C
R2 BY SRI.KURIAN GEORGE KANNANTHANAM (SENIOR ADVOCATE)
ADV. SRI.THOMAS GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE PROMOTION LIST OF CLASS XI-C PUBLISHED ON 6TH APRIL 2015 BY THE 2ND RESPONDENT SCHOOL FOR THE ACADEMIC YEAR 2014-15.

EXT.P2: TRUE COPY OF THE STATEMENT FILED BY THE 2ND RESPONDENT BEFORE THE COMMISSION FOR THE PROTECTION OF CHILD RIGHTS.

EXT.P3: TRUE COPY OF THE PHOTOCOPY OF THE QUESTION PAPER IN CLASS XI CHEMISTRY RE-TEST.

RESPONDENT(S)' EXHIBITS

EXT.R2(A): TRUE COPY OF THE CHART SHOWING THE CALCULATION OF MARKS OBTAINED BY THE PETITIONER.

//TRUE COPY//

PA.TO JUDGE

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 16745 of 2015 (P)

Dated this the 15th day of June, 2015

J U D G M E N T

The petitioner, the mother of one Anusha Balakrishnan a minor child studying in the 11th standard of the 2nd respondent school, claims that her daughter should have been passed in the 11th standard and allowed to be promoted to the 12th standard.

2. The learned counsel for the petitioner contends that in Ext.P1 nothing was stated as to the petitioner's daughter's results and the reason for failing is that one of the teachers is enmical towards her. The petitioner also on the basis of the marks obtained by her ward in the term exams, attempts to show this Court that the student has, in fact, passed in the 11th standard. As an alternative relief the petitioner seeks revaluation.

3. At the outset, it is to be noticed that the petitioner merely asserts that one of the teachers is enmical to the

student and even names him; without impleading him or disclosing the reason for such alleged enmity. The understanding of the petitioner as to how the marks for each term is to be reckoned and the final marks computed, is also effectively refuted by the 2nd respondent in Ext.R2(a). The CBSE mandates computation of final marks reckoning 25% of the marks obtained in the first two terms and 50% of the last term. The 2nd respondent, to lessen the strain on students, conducts a mid-term exam also and for each term the average of mid-term and end-term marks are reckoned to compute the 25% in the first two terms and the 50% in the last term. The petitioner obviously has totalled the marks in the mid-term and end-term to compute 25%. The course adopted by the petitioner to personally evaluate her ward as against the evaluation made by the school, is misdirected, on a wrong understanding and in any event not worthy of upsetting the judgment of the teachers.

4. Even going by Ext.P2 it is clear that the student has consistently failed in four subjects throughout the academic year. In fact, a re-test was also conducted as is indicated again in Ext.P2, in which also she failed in three subjects.

5. In such circumstance, it is not proper for this court to direct promotion of the petitioner to the 12th standard. However, it is made clear that the school authorities shall give special attention to the student this year so as to enable her to get better marks .

Writ petition dismissed, no costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE