

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.8325 of 2015

BETWEEN

Telangana Private Schools Forum and others.

... PETITIONERS

AND

The State of Telangana, Rep. by the Principal Secretary, School Education Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioners: MR. CH. SAMSON BABU

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

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ORDER:

Petitioner No.1 is the forum of private schools in Telangana State and petitioners 2 to 17 are the member schools and they are commonly aggrieved by the proceedings issued by the Director of School Education, Telangana, dated 19.03.2015 wherein directions were given to hold the annual examination of classes I to IX from 01.04.2015 onwards for all Government aided and private schools. The said proceedings also fixed separate schedule for holding examinations for classes I to V; VI, VII, VIII and IX class and entire programme of examination was directed to be completed between 01.04.2015 to 11.04.2015. The said proceedings also state that the above programme has been made mandatory in view of the most of the school teachers involved in spot valuation of SSC board examination during 11.04.2015 to 24.04.2015 and in view of that, these very examinations, which were planned to be taken by all schools from 15.04.2015 have been advanced to 01.04.2015.

2. The present writ petition questions the said directions on the ground that this does not take into account the interest of the student community in general and by preponing the examination by 15 days, the revision, which was scheduled to be completed in all the schools cannot be conducted now. It is also questioned on the ground that the Director has taken such a crucial decision in a hasty manner merely on the basis of the inputs received from some teachers, who were undergoing workshop on valuation on 10.03.2015 and that neither schools are consulted nor their views are ascertained. It is also contended that as per the earlier directives of the Government, the academic calendar was fixed and according to that calendar, the revision was required to be completed before the commencement of annual examinations.

3. Mr. Ch. Samson Babu, learned counsel for the petitioners, has very strenuously contended that rescheduling of final examination would not be in the interest of students also, as they would be deprived of two vital weeks for revision of the entire syllabus and they will be straightaway facing the annual examination. Learned counsel also points out

that none of the schools, petitioners herein, were even consulted and were not even aware of the aforesaid preponement till the proceedings dated 19.03.2015 issued by the Director were communicated to the individual schools through the District Education Officers on 23.03.2015 and immediately, on 25.03.2015, the present writ petition is filed. The circumstances, under which the aforesaid orders are passed, according to the learned counsel, are required to be interdicted by maintaining the previously fixed schedule or at least it needs appropriate modification at least by permitting the revision for a week and thereafter, to hold the examination immediately thereafter.

4. Learned Government Pleader for Education, who has earlier taken time, submits, on the basis of instructions received, that the annual examination of all classes except X class are generally conducted between 15 – 21 of April of every academic year. It is, however, noticed that most of the school teachers are in spot valuation of SSC board examination at the District headquarters and hence, each school is left with hardly one or two teachers out of which one will be a PET teacher and all other teachers including Head Masters will be engaged in SSC spot valuation, thereby, seriously affecting the invigilation of the examination of classes other than class X. It is also pointed out that on account of delayed holding of examination, the progress reports and declaration of results are delayed and are not announced on the last working day of the academic year and thereby, also the completion of curriculum at the end of the every academic year is not being adhered to. Keeping the SSC examination and the need for spot valuation and timely declaration of the results of all the classes, the aforesaid rescheduling of examination by preponing it to commence from 01.04.2015 was envisaged after consultation with the teacher representatives with the Director of the School Education during the workshop on 10.03.2015.

5. Learned Government Pleader also stated that no prejudice would be caused to any of the students or the schools inasmuch as even by 31.03.2015, as the syllabus is completed and in the place of revision earlier proposed, the examinations are proposed to be held from 01.04.2015. Learned Government Pleader placed before the Court the instructions which *inter alia* show that there are 14,000 schools in the State of Telangana and except the petitioners,

the present programme of holding examination from 01.04.2015 is not objected to by any other school. Various reasons and specific problems in conducting annual examination

from 15.04.2015 to 21.04.2015 are listed out, which include the lack of teachers for invigilation in the schools directly resulting in giving scope for copying in annual examination in the absence of effective invigilation and that the schools being unable to declare the results, as they cannot complete the correction of answer scripts before the closure of schools before the summer vacation, hence, rescheduling of examination by preponing by two weeks was directed under the impugned proceedings.

6. During the hearing of this writ petition, it was also contended by the learned counsel for the petitioners that the Director of School Education appears to have taken the decision himself without even consulting the Government. However, the aforesaid contention is not sustainable on the face of it inasmuch as under Section 3 of the A.P. Education Act, the Government appoints one or more Director for General Education and Technical Education for the purpose of exercising power conferred and for performing the functions entrusted on them and Section 3(3)(a) of the Education Act provides that by general or special order of the Government, the Director shall be the Chief Controlling Authority in all matters of such part of general education of the State as may be allotted to him by order made in this regard. Similarly, the Director of Technical Education shall be the Chief Controlling Authority. In view of the aforesaid provision, the powers of the Director as Chief Controlling Authority is not in doubt and as such, the Director was well within his powers to issue the impugned proceedings modifying the schedule for holding examinations.

7. To the extent of other contention of the learned counsel for the petitioner, it may be that all the teachers in all the schools are not allotted for SCC examination and spot valuation. However, the manner of conducting examinations in the past, which is taken into consideration by the Director, shows that there is hardly any invigilation when schools conduct examination for classes other than class X from 15 -21 of April of every academic year. In order to maintain academic excellence, such criteria is quite relevant and the same was adopted by the Director of School Education while issuing the impugned proceedings. Apart from this, the entire object and purpose of the present scheme appears to be to ensure timely completion of examination and completion of cumulative records viz. progress card and declaration of results on or before the last working day is sought to be achieved, which is also a relevant criteria.

Even if the impugned proceedings is assumed to give rise to some prejudice to a few of the schools in the State, keeping in view the larger objects sought to be achieved, being in the

interest of the students, it would neither be just nor proper to interfere with the said impugned proceedings. On the contrary, the schedule, which is now planned to be implemented from 01.04.2015, cannot be disturbed even if this Court was of the view that the present modification of schedule could have been announced earlier and could have been implemented after due notification to all the schools. Interference with the impugned proceedings would, therefore, produce results contrary to public interest and even if any prejudice is caused to some of the schools that must yield to the larger public interest and interference by this Court is not called for even on the equitable grounds.

8. One other contention needs to be noticed, which the learned counsel for the petitioners points out that as per the modified schedule, the examinations are proposed to be conducted for different set of classes in the forenoon and afternoon and he points out that many of the schools are already notified as schools for SSC examination. Learned Government Pleader has obtained fresh instructions and it is submitted that all examinations for classes I to IX are proposed to be conducted from 9 AM to 11.30 AM and only in such other schools, which are notified for SSC examination, the examination for classes I to IX will be conducted from 2 PM to 4.30 PM.

Learned Government Pleader also states that appropriate arrangements including separate question papers have already been organized and there is no prejudice by this marginal modification in the time table of examination.

In the result, therefore, the writ petition is dismissed.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 30, 2015

Note: Furnish C.C. of the order today.

(B/o) DSK