

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

P.I.L.No.239 OF 2014

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

The petitioner, by way of the present public interest litigation, prays for Mandamus declaring proceedings Rc.No.302/E1-1/A & 1/2009 dated 17.07.2014, as illegal, against public interest and unconstitutional. The petitioner consequently prays for a direction to the respondents to implement G.O.MS.No.17, School Education (P.E-Prog.11) Department, dated 14.05.2014.

Briefly stated, the grievance of petitioner is that through the proceedings dated 17.07.2014, the respondents have for all purposes given a go bye to various reforms introduced through G.O.MS.No.17 dated 14.05.2014 and through an administrative order, the Commissioner of School Education is not competent to act contrary to valid Government Orders issued from time to time. This Court, through order dated 17.08.2015, noted as follows:

“On 10.08.2015, at the request of learned Government Pleader for Education, the PIL was adjourned to today to enable the 1st respondent to file counter affidavit. The counter affidavit of Deputy Secretary to Government (School Education) is filed. The counter affidavit dated 06.08.2015 does not answer the query of the Court on the last date of hearing as well as today.

As requested by learned Government Pleader, two more weeks time from today is granted to enable the Principal Secretary (School Education) to file counter affidavit on the proposal to implement the recommendations of Expert Committee constituted in terms of G.O.Ms.No.17 dated 14-05-2014 and also give an undertaking for implementation from the academic year 2016-2017.

Stand over to 31-08-2015.

Office to communicate this order to the 1st respondent”.

The additional counter affidavit of Secretary to Government/ 1st respondent dated 04.09.2015 is placed on record. The relevant portion in the counter-affidavit reads as follows:

4. "In this connection, it is pertinent to note that the old system prevailing in the State of Andhra Pradesh has been changed and introduced a new system in implementation of Right to Education Act, 2009 there by the new system called CCE i.e., Continuous and Comprehensive Evaluation System (80 marks for written examination and 20 marks for internal assessment) introduced in the year 2010-11. As per the new system marks will be awarded keeping in view the performance of the Child in the formative and summative evaluation and grading system is being followed. The said system was introduced as per Section 29 of RTE Act, 2009. The said system was introduced in undivided Andhra Pradesh during the academic year 2010-2011 for the classes 1 to 8. Though the system was introduced from academic year 2010-11 for classes 1 to 8, awarding of 20 marks for internal evaluation was not followed. So far as for the classes

9th and 10th classes is concerned, the old system i.e., Traditional Examination System (4 unit tests and 4 terminal examinations) has been followed up to date.

5. It is respectfully submitted that the State of Andhra Pradesh intended to follow the new system of CCE for 10th class from the academic year 2016-17 i.e., with 11 papers. In the said system 80 marks will be awarded basing on the written examination and 20 marks will be awarded keeping in view the internal assessment of the child by considering the performance in the formative evaluation (4) and summative evaluation (2). As the Expert Committee recommended to implement CCE system for class 10th from academic year 2016-17, the Government of Andhra Pradesh has intended to introduce CCE system for class 9th from this academic year i.e., 2015-16.

6. It is respectfully submitted that the Expert Committee to implement the CCE system for classes 6 to 9 with fullest extent from the academic year 2015-2016. Accordingly the State of Andhra Pradesh with an intention to implement the recommendations, from this academic year i.e., 2015-16 onwards. The new system of CCE is going to be implemented for 9th class students from the year 2015-16, so as to enable them to

understand and make familiar with new system, thereby they can feel easy for the forthcoming 10th class exam pattern during 2016-17 academic year.”

Having regard to the categorical statement of 1st respondent as indicated above, the learned counsel for the petitioner requests the Court to dispose of the writ petition by placing the stand of respondents on record.

The writ petition is disposed of by accepting the additional counter affidavit dated 04.09.2015 of 1st respondent as substantially addressing the grievance of the petitioner. We hope and trust that all the respondents in the PIL take immediate steps in line with the undertaking given to this Court and all steps are implemented according to the details accepted by us.

PIL is disposed of, as indicated above.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT, J

Date: 07.09.2015

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