

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18852 of 2016
and WMP.No.16450 of 2016

Joevin Johnson

.. Petitioner

Vs.

1.The Correspondent,
Don Bosco Matriculation Higher Secondary School,
Egmore, Chennai-600 008.

2.The Secretary to Government ,
School Education Department,
Fort St.George, Secretariat, Chennai-09.

3.The Directorate of Matriculation School,
DPI Campus, College Road,
Nungambakkam,
Chennai-34.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of Mandamus
directing the first respondent to admit the petitioner in the 1st
respondent school in Bio Maths Group.

For Petitioner : M/s.S.Veeraraghavan

For Respondents : Mrs.A.Rajaperumal for R2 and R3
Mr.P.V.Balasubramaniam,
for BFS Legal for R1

O R D E R

By consent, this writ petition is taken up for final
disposal.

2. The deponent of the affidavit filed in support of this
writ petition would aver among other things that his son, namely
Jeovin Johnson was studying in the first respondent school from
L.K.G. to X standard and he passed S.S.L.C. examination held
during April 2016 with 78.4% and his academic details are as
follows:

1) Language	: 63
2) English	: 84
3) Maths	: 70
4) Science (Theory + Practical)	: 61+25=86
5) Social Science	: 89

Total	392

The petitioner would state that his son made an application for joining XI Standard in the very same school in Bio-Maths group, however instead of accommodating the son of the petitioner in the said stream, the first respondent has deliberately rejected his choice and forced him to pick some other group in XI Standard, which is not at all his interest.

3. Mr.S.Veeraraghavan, learned counsel appearing for the petitioner would submit that it is an admitted fact that the petitioner had studied in the first respondent school, namely Don Bosco Matriculation Higher Secondary School, Egmore, Chennai-600 008, right from L.K.G. to X Standard and out of 500 marks he has secured 392 marks in S.S.L.C. examination and in Mathematics subject he got 70 % and since he is interested in joining Bio-Maths, there is no impediment on the part of the first respondent school to accommodate the petitioner in the said group and prays for appropriate orders.

4. Mr.P.V.Balasubramaniam, learned counsel appearing for the first respondent, on instructions, has produced a written communication from the first respondent dated 25.05.2016 which reads as under:

"The School Management Committee made the following criteria to admit students into XI Std for 2016-17

I. 50 students for XI. A Group 103, 52 for XI.B group 102, 52 for XI.C group 102, 52 for XI.D group 308, and 56 for XI.E group 302 based on merit and rank in the descending order i.e., from the highest total to the lowest total.

II.The preference for admission into XI Std will be given to our school students.

Rev.F.Dr.John Alexander Rev.Fr.Dr.Arul Raj
Rev.BalasamyFr.Louie Philip

Rector & Correspondent Principal
Vice-President & Administrator"

It is further submission of the learned counsel appearing for the first respondent that total marks of the candidates have been taken into consideration and candidate who has secured total marks upto 395 have been considered and since the petitioner has secured only 392 marks, his claim for admission in Bio-Maths Group cannot be considered. It is also the submission of the learned counsel appearing for the first respondent that even for the sake of arguments the petitioner can be accommodated in Bio-Maths, there are five students who have secured very same marks and as on today, there is no vacancy in Bio-Maths group and in the subject of Mathematics, some of them had secured more marks than the petitioner and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions.

6. A perusal of the written communication of the first respondent dated 25.05.2016 would disclose that they are following a particular pattern and it prima facie appears to be correct and a perusal of the candidates list produced by the first respondent would disclose that a candidate with total marks of 490 got admission and overall 50 candidates have been accommodated in Bio-Maths group and the last candidate in the said list, namely ShravanVenkatakrishna has secured total marks of 395 and though he secured 65% in Mathematics i.e., less than the marks secured by the petitioner in Mathematics, his overall total marks is higher than the petitioner.

7. In the light of the above said facts and circumstances, this Court is unable to conceded to the prayer made by the writ petitioner and unable to pass any positive order granting relief in favour of the petitioner.

8. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

jvm

-s/d-

Assistant Registrar(VI)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government ,
School Education Department,
Fort St.George, Secretariat, Chennai-09.

2.The Directorate of Matriculation School,
DPI Campus, College Road,
Nungambakkam, Chennai-34

+ 1 cc to Mr.S.Veeraraghavan, Advocate SR 31387
pa(co)prk17/6

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