

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 14.11.2016
CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH
W.P.No.6797 of 2013
and M.P.No.1 of 2013

- 1.Minor S.Iyyappan
Rep.by his Father/Guardian
K.Sathiskum
 - 2.Minor.v.Mahalakshmi
Rep.by her Mother/Guardian V.Vembu
Madha Koil Street,
 - 3.Minor.R.Radha Punwaneswari
Rep.by her Father/Guardian M.Rajendran
 - 4.Minor.M.Sivakumar
Rep.by his Father/Guardian Mahendiran
Thoppu Street,
 - 5.Minor.R.Arogiyadass
Rep.by his Mother/Guardian R.Kala
 - 6.Minor.B.Abirami
Rep.by her father/Guardian Baskaran
 - 7.Minor.M.Sasikala
Rep.by her Father/Guardian
v.Muthulingam
- .. Petitioners

Vs

- 1.The Director of Government Examinations
(Secondary Education), College Road,
Chennai-6.
 - 2.The Chief Educational Officer,
Thiruvarur
 - 3.The District Educational Officer,
Thiruvarur
 - 4.The Regional Joint Director,
Office of the Government Exams
Regional Joint Director, Trichy.
- .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to permit the petitioners to write the S.S.L.C public exam privately by accepting the necessary fees for science practical and written examination for March/April 2013.

For Petitioners	: Mr.R.D.Asokkumar for Mr.S.N.Ravichandran
For Respondents	: Mr.Zakir Hussain Government Advocate.

O R D E R

The petitioners were admitted in II standard in Jayalakshmi Vilas Middle School, Mannarkudi and studied in the above school from II standard to VII standard. According to them, they could not continue their studies therein, since the school was recognized till 8th standard alone and a proposal seeking upgradation for conducting classes IX and X was pending before the respondent. Hence the petitioners had pursued the further education privately. In the mean time, the public examination for the X standard had commenced in the month of February, 2013. Therefore, the petitioners had filed the present writ petition seeking for a direction to the respondents to permit them to write the X standard public exam privately by accepting the necessary fees for science practical and written examination for March/April 2013.

2.The learned Government Advocate would submit that the petitioner school Management does not have necessary approval for conducting classes IX and X and without getting relevant orders, the school authority ought not to have admitted the candidates for IX and X standards. Nevertheless, the learned Government Advocate would submit that the Department of Government Examination conducts Examination for the students studying in Government recognised schools and for private candidates, who fulfil the eligibility criteria to write the X standard examination. Relying upon G.O.(ID) No.292, School Education Department (VI) dated 03.08.2012, the learned Government Advocate would further submit that as per the said G.O the private students have to register their names in the month of June 2012 for practical classes of Science subject with 80% attendance. Since the petitioners have failed to apply in time, they are ineligible to appear for the Public Examination for the year 2013.

3.Heard Mr.R.D.Ashok Kumar, learned counsel appearing for the petitioners and Mr.Zakir Hussain, learned Government Advocate appearing for the respondents.

4. Though the petitioners have sought for a direction to permit them to write the S.S.L.C. Public Examination privately for the practical and written examination of science for the month of March/April 2013, by an interim order made in M.P.No.1 of 2013 in this writ petition, the petitioners were permitted to write the X standard Examination privately, accepting the practical and theory in science. However, the results of the examination was withheld until further orders.

5. At this juncture, the learned counsel for the petitioners would submit that pursuant to the interim order, the petitioners have appeared in all the other subjects for the

S.S.L.C. Public examination and had cleared the same. The learned counsel would also submit that thereafter, the petitioners have also appeared in the science subject for both practical and theory examination. The only grievance of the petitioners is now that results in the written examination in the other subjects have been withheld.

6. It was also brought to the notice of this court that by an order dated 18.11.2010 passed in W.P.No.10609 of 2010, this Court directed the respondents to consider the application seeking approval for conducting classes of IX and X and pass orders on merits. In spite of the said order, the respondents have not taken any steps to either grant approval or reject the same. In this background, the students who were encouraged to continue their education privately on the fond hope that their school would get the necessary approval, cannot be made to suffer. The petitioners who have now appeared in the written examination, are waiting for their final results.

7. Under such circumstances, there shall be a direction to the respondents to publish the petitioners' results for the X standard examination in the month of March/April 2013, in which they had appeared, pursuant to the order of this Court, within a period of three weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kkd

To

1.The Director of Government Examinations
(Secondary Education), College Road,
Chennai-6.

2.The Chief Educational Officer,
Thiruvavarur

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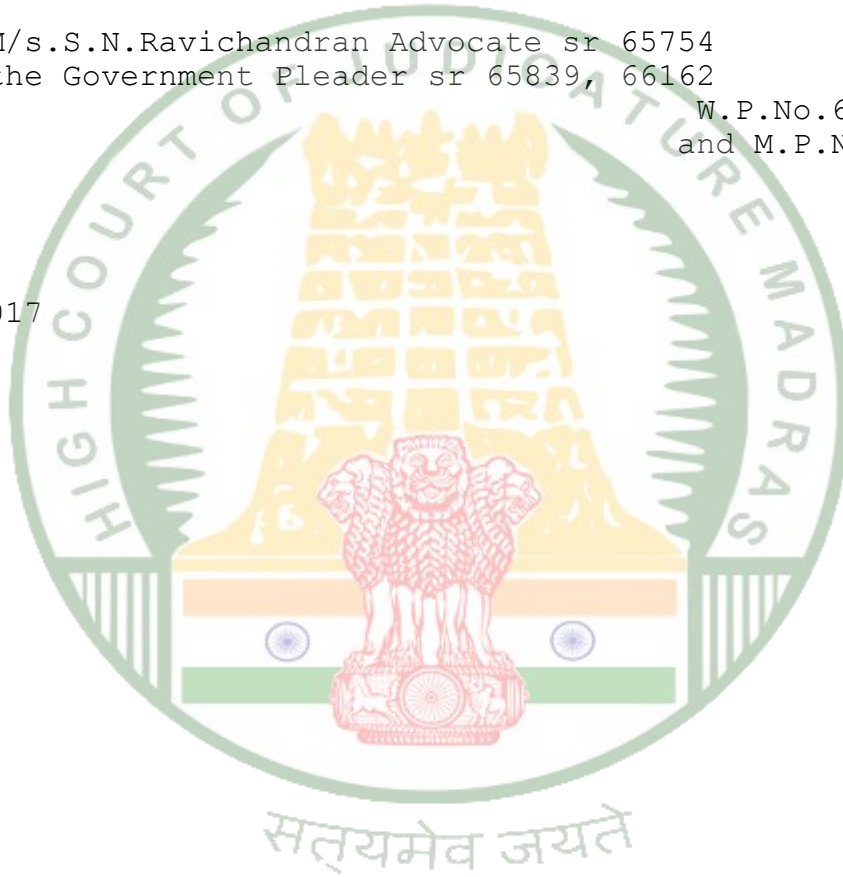
3.The District Educational Officer,
Thiruvavarur

4.The Regional Joint Director,
Office of the Government Exams
Regional Joint Director, Trichy.

+1 cc to M/s.S.N.Ravichandran Advocate sr 65754
+1 cc to the Government Pleader sr 65839, 66162

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