

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

CORAM

THE HON'BLE MR. JUSTICE R.SUBBIAH

W.P.No.37866 of 2015
and
M.P.Nos.1 & 2 of 2015

Koottalumoodu Arulmigu Bhadreswari Devasthanam
Matriculation Higher Secondary School,
Paiyankulam-629 173,
Kanyakumari District
rep. by its Correspondent
R.Sylus Raj

.... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat,
Fort St. George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Director of Government Examinations,
DPI Campus, College Road,
Chennai-600 006.
- 4.The District Educational Officer,
Kuzhithurai,
Tirunelveli District.

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent in R.C.No.400582/B1/2015 dated 16.03.2015 and to quash the same and consequently, directing the respondents to grant permission for an Examination Centre in the petitioner school to write X Standard Public Examination from the academic year 2015-16.

For Petitioner : Mr.G.Sankaran
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner calling for the records relating to the impugned proceedings issued by the third respondent in R.C.No.400582/B1/2015 dated 16.03.2015 and to quash the same and consequently, directing the respondents to grant permission for an Examination Centre in the petitioner's school to write X Standard Public Examination from the academic year 2015-16.

2.The germane facts which are necessary for the disposal of the writ petition is as follows:

The petitioner school is a co-education school. It is imparting quality education with strict enforcement of discipline among the staff and students, resulting in higher percentage of results in all aspects and presently, 2000 students are studying in the school. For the present academic year, there are 166 students studying in X Std including 69 girl students. The school is having adequate infrastructural facilities with sufficient class rooms and other legal requirements to write the Public Examination for more than 500 students. In spite of the same, the school is not declared as Examination Centre for writing the X and XII Standard Public Examinations. Hence, large number of students studying in the school are forced to travel to another Government High School at Ananthamangalam Village, which is at a distance of 1.5 kms and there is also no direct bus facility to the said school. It is difficult for the petitioner school to take the students appearing for Board Exam to the said Examination Centre, who were already coming from 10 miles in and around Painkulam to their school. Apart from that, the said Examination Centre does not contain basic facilities like furniture, toilet etc. Due to the said aspects, the students are facing great hardships. In view of the aforesaid aspects, the petitioner school submitted an application to the respondents in November 2014, seeking to declare it as an Examination Centre for writing X Standard Public Examination. Based on their application, the Inspector of Matriculation School, Tirunelveli, inspected the school and forwarded a report along with its recommendations as per proceedings dated 10.11.2014 to the fourth respondent/District Educational Officer, Kuzhithurai, who in turn, forwarded the same to the third respondent/Director of Government Examinations for granting Examination centre to the petitioner school. However, the third respondent has not passed any orders. Hence, the petitioner school was constrained to file W.P.No.4567 of 2015 seeking a direction to the respondents to grant permission

for X Public Examination Centre. Considering the submissions of the petitioner school, this Court by an order dated 22.03.2015, directed the third respondent to pass orders in accordance with law on the relevant report submitted by the fourth respondent. Subsequent to the direction of this Court, the third respondent had issued the impugned proceedings dated 16.03.2015, rejecting the claim of the petitioner on the ground that the proposal was received at the fag end of finalisation of examination centre and also, if it is permitted, the examination centre at Government High School, Ananthamangalam will have only 46 students to write the examination for the year 2014-15.

3.The learned counsel for the petitioner submitted that after the impugned order dated 16.03.2015, several schools have been declared as new examination centre by the third respondent which contain less facilities than the petitioner school. Hence, the present writ petition has been filed to direct the respondents to grant permission to the petitioner school for an Examination Centre to write X Standard Public Examination from the academic year 2015-16.

4.The learned Government Advocate vehemently opposed to allow the petition on the ground that the application submitted by the petitioner school for the year 2014-15 was rejected by the third respondent on the ground that the proposal was received from the District Educational Officer, Kuzhithurai, nearly after pre-examination work was over and therefore, the petitioner's plea was not considered. She would submit that in the impugned order dated 16.03.2015, it was clearly stated that if the proposal would be submitted in time, it will be considered in accordance with law. The learned Government Advocate further submitted that as on date, there is no proposal to the third respondent in regard to declare the petitioner school as new Examination Centre for writing X Std Public Examination. Continuing her argument, she contended that X Std public examination was scheduled to commence from 15th March 2016 and there is no sufficient time for the respondents to consider the petitioner's request and sought for dismissal of the petition.

5.Irrespective of the contentions made by the learned counsel on either side, this Court directs the petitioner to make a fresh representation along with a copy of this order to the fourth respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent, shall in turn forward it to the third respondent immediately. On receipt of the said representation from the fourth respondent, the third respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner, within a period of two weeks thereafter.

With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat,
Fort St. George, Chennai-9.
 - 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
 - 3.The Director of Government Examinations,
DPI Campus, College Road,
Chennai-600 006.
 - 4.The District Educational Officer,
Kuzhithurai,
Tirunelveli District.
- +1 cc to the Government Pleader High Court of Madras
sr.7222
+1 cc to Mr.G.Sankaran Advocate sr.7052

W.P.No.37866 of 2015
and
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