



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.07.2016

DELIVERED ON : 22.07.2016

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CORAM:

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

AND

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A(MD)No.1098 of 2016

and

C.M.P(MD)No.6690 of 2016

The Principal,
Sakthi Vinayagar Hindu Vidhyalaya,
Chidambra Nagar,
Thoothukudi - 628 008.

... Appellant/
4th Respondent

Vs.

1.M.Mahendran

... 1st Respondent/
Writ Petitioner

2.The District Collector,
Thoothukudi,
Thoothukudi District.

3.The Chief Educational Officer,
E.V.Road, C.V.School Campus,
Thoothukudi.

4.The District Educational Officer,
E.V.Road, C.V.School Campus,
Thoothukudi.

... Respondents 2 to 4/
Respondents 1 to 3

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court dated 28.06.2016 passed in W.P(MD)No.10516 of 2016.

Prayer in WP(MD). 10516/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the fourth respondent to permit the petitioner's son viz., M.Madhan Kumar to continue his education in the fourth respondent in XI Standard.

For Appellant :Mr.Isaac Mohanlal

Senior Counsel for

Mr.C.K.M.Appaji



For Respondents: Mr. G. Prabhu Rajadurai for R.1

Mr. VR. Shanmuganathan,
Special Government Pleader for R.2 to R.4

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JUDGMENT

NOOTY. RAMAMOHANA RAO. J.

This appeal is preferred by the fourth respondent in the writ petition - Principal of a Vidhyalaya at Thoothukudi. The first respondent herein - parent of a student of the school of which the appellant is the Principal, sought for a direction to permit his son to continue his education in XI Standard in the said school.

2. Heard Mr. Isaac Mohanlal, learned Senior Counsel appearing on behalf of the appellant, Mr. G. Prabhu Rajadurai, learned Counsel for the first respondent/writ petitioner and Mr. VR. Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 to 4.

3. The essential grievance of the writ petitioner is that his son has been unjustly denied admission in XI Standard, after the writ petitioner's son has passed out X Standard from that very school duly obtaining a decent grade in the X Standard examination. Such an act of denying admission in the teeth of legal principles enunciated by the Honourable Supreme Court, holding promotion from one class to the next higher class, does not involve admission afresh in the same school. It was also urged that the son of the writ petitioner was sought to be penalised for certain events that have taken place quite some time past.

4. There is no gainsaying that if a student is promoted from one class to the next higher class, there is no fresh admission involved in that process, but it would be a mere case of continuation of education of the student in the same school. Each year, upon getting promoted to the next higher class, the student need not get re-admitted. But however, in a case like the present, where the school does not have the facility to offer instructions in XI and XII Standards under the same Central Board of Secondary Education (CBSE) pattern, in which, it has offered schooling facility upto X Standard, in our opinion, different criteria would arise for consideration.

5. It is the case of the appellant before us that the school has not subscribed to the CBSE pattern of curriculum for XI and XII Standards and instead, it has opted for "+2 pattern" of system offered by the State Board of Secondary Education. That too, it has chosen to offer instructions only in two courses, one with Science and another with Mathematics, as the main subject of study. Therefore, it is a case where the students are required

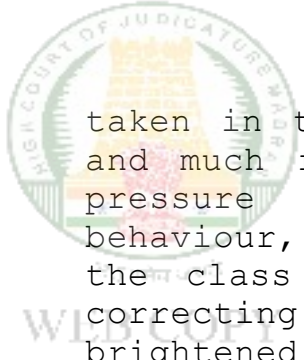


to change the course of stream, from CBSE pattern to that of the State pattern.

6. In the above context, it becomes clear that XI and XII Standards under the CBSE curriculum pattern are not offered by the appellant school and hence, the schooling facility offered by it has to be recognised to have come to an end, when the student passes out X Standard, he has to seek admission afresh in "+2 pattern" under the State Board scheme, which is a different one from the CBSE pattern.

7. It is for the student concerned to exercise the necessary option either to continue XI and XII Standards in CBSE pattern or to switch over to +2 pattern in the State Board scheme. If a student exercises the option to continue his studies in XI and XII Standards under the CBSE pattern, he has to obviously seek admission in some other educational institution, where such facilities are available. But he cannot continue in the appellant's school where there are no such facilities available. On the other hand, if only he opts to switch over to the State Board of education (+2 pattern), then, he can seek continuation in the same school. But even in such a case, he has to apply for admission afresh.

8. The contention advanced by Mr.G.Prabhu Rajadurai, learned Counsel for the writ petitioner that the school management is seeking to penalise the son of the writ petitioner for the misdeeds committed by him in the past, perhaps, in the above background facts, may not carry much merit. We are clearly of the view that no school management can penalise a student for the acts of misconducts attributable to the student without first of all, putting on notice the guardian/parent of the student concerned and the student. The misdemeanour of the student will have to be brought out clearly. Further, we are of the view that minor pranks and childish or immature behaviour on the part of a school student shall not necessarily in all cases result in serious consequences to flow on to the scholastic career of the student. More than anyone else, those, who run and administer an educational institution, such as, schools, are aware that children have different behavioural pattern when they are at the school, rather than when they are at home. They tend to feel that the school premises are their own and that they can safely indulge in certain activities which they seldom have the freedom to indulge in when strict vigilance is exercised by their parents at home. It all, hence, depends on the ability of the teacher concerned to channelise the energy and enthusiasm of the student on to the positive side. If there are any negative tendencies exhibited by the student, it is for the teachers to identify such tendencies and channelise them towards the improvement in the behavioural pattern of the students, by taking recourse to such measures which are harmless and promote the well being of the child. The corrective measures



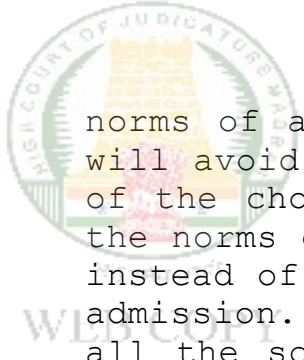
taken in time by the teachers would produce much better results and much faster too, as the student would instantly come under pressure when the teachers pointedly bring out their odd behaviour, which is so different and distinct from the majority of the class peers and fellows. Therefore, the prospects of one correcting himself and turning a new leaf of good behaviour gets brightened in the school, rather than elsewhere, for the sheer presence of fellow students when compared with an isolated corrective exercise initiated elsewhere.

9. We are, therefore, of the view that no student should be made to face serious consequences, including denying admission to higher classes, without having regard to his behaviour, which warrants any such consequences only exceptional circumstances warrant such consequences to be allowed to follow. Above all, the guardian/parent should be informed of the behaviour which is found fault with and only in the event of the corrective mechanism put in place failing to meet with the success, any such adverse consequences can be made to follow but not otherwise.

10. However, in the instant case, denying admission in "+2 State Board Course" for the son of the writ petitioner, does not amount to inflicting any consequences of serious nature, inasmuch as there are several other schools in the vicinity which offer XI Standard in CBSE pattern. This apart, in the additional affidavit filed on behalf of the appellant, it is clearly brought out that out of 93 students, who have passed out X Standard from the school concerned in CBSE pattern, only 45 of them have been offered admission in "+2 pattern" and 15 students drawn from other schools who opted for +2 pattern were granted admission, thus, completing the process of admission of 30 + 30 students in two streams of "+2 pattern courses" offered by the appellant, with Biology and Mathematics as main subjects of study. Thus, all the 93 students, including the writ petitioner, who passed out X Standard in CBSE pattern in the same school, could not have been admitted against 60 seats available in +2 State Board pattern. Hence, denying admission to some of these 93 students, may not, per se, amount to discrimination.

11. In this view of the matter, we are of the opinion that the writ petition instituted by the first respondent/writ petitioner lacks merit.

12. One other question which Mr.G.Prabhu Rajadurai, learned Counsel for the writ petitioner has urged, requires consideration is with regard to non-publication of norms of admission in advance to the +2 pattern by the appellant school. We could see force in the contention that the educational institutions are required to publish the norms of admission in advance before inviting applications and undertaking such admission process. Once the



norms of admission get published and the same are adhered to, it will avoid arbitrary method of granting admissions to the students of the choice of the school management. All students who satisfy the norms of admission can be reasonably assured of such admission instead of making them guess as to the reason why they were denied admission. Therefore, steps shall be taken by the State directing all the school managements to publish the norms of admission, in advance, on the Notice Board of the educational institutions concerned, before inviting applications and then, publish the list of students, who have been admitted accordingly. Such process will not only bring out transparency, but would also help in avoiding speculation about reasons for grant or denial of such admission.

13. With the above observations, this writ appeal stands allowed and the judgment and order of the learned Single Judge is set aside. The writ petition of the first respondent stands dismissed. No costs. The Connected C.M.P.(MD).No.6690 of 2016 is closed.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Chief Educational Officer,
E.V.Road, C.V.School Campus,
Thoothukudi.

3.The District Educational Officer,
E.V.Road, C.V.School Campus,
Thoothukudi.

+1cc to special Government Pleader Sr.NO.39123
+1cc to MR.G.Prabhu Rajadurai, Advocate SR.No.39067
+1cc to Mr.C.K.M.Appaji, Advocate SR.no.38741

rsb

sm:GSV-PM:SAR (W):19.08.2016:5P/7C

JUDGMENT MADE IN
W.A(MD)No.1098 of 2016
and
C.M.P (MD) No.6690 of 2016
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