

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition Nos.4765 to 4768 of 2017

P.Anand (Minor)
rep. By his father and Natural Guardian,
R.Paramasivam ... Petitioner in WP.4765 of 2017

P.Gowtham (Minor)
rep. By his father and Natural Guardian,
T.Pasupathy ... Petitioner in WP.4766 of 2017

P.Rutwa (Minor)
rep. by her father and Natural Guardian,
P.Parmer Kamalesh ... Petitioner in WP.4767 of 2017

D.Shalini (Minor)
rep. By her father and Natural Guardian,
P.Dilli Babu ... Petitioner in WP.4768 of 2017

Vs.

1.The Directorate of Government Examinations,
College Road,
Chennai 600 006.

2.The Director of School Education,
Government of Puducherry,
Puducherry 605 001.

3.The Joint Director of School Education,
Government of Puducherry,
Puducherry 605 001.

4.Achariya Siksha Mandir,
rep. by its Principal,
Achariyapuram, Vilianur,
Puducherry 605 110.

5.Navalur Nedunchezian Government
Higher Secondary School,
Lawspet, Puducherry.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of writs of mandamus directing the 1st respondent to pass orders shifting the examination centre from Navalar Nedunchezian Government Higher Secondary School, Lawspet area, Puducherry, the 5th respondent herein to any other approved centre in Villanur area, Puducherry in respect of the students of the 4th respondent School in the light of the recommendation of the 2nd respondent dated 20.02.2017.

For Petitioner in all W.Ps. : Mr.K.Doraisamy,
Senior Counsel
for Mr.Kandhan Duraisami

For 1st Respondent in all W.Ps. : Mr.V.Anandamoorthy,
Additional Government Pleader

For Respondents 2, 3 & 5 : Mrs.Reena Iswariya,
in all W.Ps. Additional Government Pleader
(Pondy)

C O M M O N O R D E R

Since the issue involved in the above Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. The petitioners herein are minor students studying 12th standard in the 4th respondent School viz. Achariya Siksha Mandir, Villanur, Puducherry. They have come up with the above Writ Petitions seeking a direction to the 1st respondent herein to pass orders shifting the examination centre for the academic year 2016 - 2017, from Navalar Nedunchezian Government Higher Secondary School, Lawspet area, Puducherry, the 5th respondent herein to any other approved centre in Villanur area, Puducherry in respect of the students of the 4th respondent School in the light of the recommendation of the 2nd respondent, dated 20.02.2017.

3. The case of the minor petitioners is that they along with other students of their School wrote their 10th standard Public Examination in the 4th respondent School itself and till the last academic year, the Higher Secondary students studying in 4th respondent School wrote their 12th standard Public examination in an approved School in and around Villanur area of Puducherry only. Since the examination centre for 12th standard for the academic year 2016-2017 is scheduled to be conducted in the 5th respondent School at Lawspet, Puducherry, which is situated nearly 17kms away from their residential area, a

representation dated 08.02.2017 was submitted by the parents of the 12th standard students to the education authorities requesting the authorities not to shift the examination centre to a far off place and to conduct the examination in and around Villianur area. It was also pointed out in the said representation that the travel distance from Villianur area to Lawspet area also has other transport bottlenecks, viz. construction of two new railway tracks and construction of new over-bridge near Arumathapuram and it will take more than one hour to reach the Examination Centre.

4. It is the further case of the petitioners that the Management of the 4th respondent School has submitted a similar representation and that respondents 2 and 3, by their communication dated 20.02.2017 and 19.01.2017, respectively, recommended to the 1st respondent to have the examination Centre for the students of the 4th respondent School at Villianur area, instead of Lawspet area. Since no orders are passed by the 1st respondent till date, the minor petitioners represented by their Natural Guardians, are before this Court.

5. Learned Senior Counsel appearing for the petitioners pointed out that the students have to travel nearly 17 kms from their residence to the Examination Centre and that a bridge is being constructed on the way to the Examination Centre, due to which there is heavy traffic jam during peak hours. Hence, he submitted that the examination centre for 12th standard students of the 4th respondent school for the academic year 2016-2017 may be directed to be shifted in an authorised centre in Vilanur area, rather having the same in the 5th respondent school.

6. Learned Additional Government Pleader (Pondy) submitted that Examination Centres for conducting Public Examinations for 10th and 12th standards are fixed long back and necessary allocations are done accordingly. Pointing out that the 4th respondent School has not approached this Court seeking shifting of Examination Centre, she further submitted that changing of Examination Centre at this point of time is practically not feasible.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Undoubtedly, the petitioners have approached this Court seeking change of Examination Centre in the eleventh hour. Examinations for 12th standard for the academic year 2016-2017 are scheduled to commence on 02-03-2017. By this time, all necessary steps had already been taken by the Directorate of Government Examinations in allocation of Examination Centres, on the basis of infrastructure and other amenities available in the

Schools. Admittedly, the 4th respondent School is not authorised to conduct Public Examinations. In such case, the 4th respondent School should have directly approached this Court seeking change of Examination Centre, in the interest of their students. Instead, the students represented by their guardians have approached this Court for the above relief, that too in the last minute.

9. This Court has certainly got sympathy for these students. Of course, the 1st respondent ought to have taken into consideration the distance between the School and the Examination Centre, while allotting Centres for Public Examinations. Travelling for quite a long distance to write Public Examination is certainly a burden for the students, which will certainly deter their concentration in writing exams. Had the 4th respondent School approached this Court immediately after allocation of Examination Centre, which was completed a month ago, this Court would have certainly considered their case. Further, when the 4th respondent School is fully aware that their School is not a recognised one for Public Examination Centre, they should have approached this Court much earlier. But, the innocent students have been asked to approach this Court at the fag end, which would be of no avail to them. Even if this Court now directs the 1st respondent to change the Examination Centre for the students of the 4th respondent School, it is practically impossible to carry on the orders of this Court perfectly, within three working days.

10. Courts are bound by law. At the same time, Courts are not callous to the feelings of the public at large. Courts have always had a sympathetic approach in cases pertaining to education. As far as this case is concerned, the only demerit is that the 4th respondent School has not approached this Court for the present relief, instead, it has allowed its students to approach this Court, that too at the eleventh hour.

11. Hence, this Writ Petition is liable to be dismissed mainly on the ground of laches and it is accordingly dismissed. However, this Court wishes to observe that the 4th respondent School should take necessary steps to arrange to and fro transportation facilities for the students who appear for 12th standard Public Examination in the 5th respondent School from 02.03.2017. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1.The Directorate of Government Examinations,
College Road,
Chennai 600 006.

2.The Director of School Education,
Government of Puducherry,
Puducherry 605 001.

3.The Joint Director of School Education,
Government of Puducherry,
Puducherry 605 001.

4.Navalar Nedunchezian Government
Higher Secondary School,
Lawspet, Puducherry.

+4cc's to M/s.Muthumani Doraisami, Advocate,
S.R.Nos.11911 to 11914

+1cc to the Government Pleader, S.R.No.12998

W.P.Nos.4765 to 4768 of 2017

PA (CO)
CA(28/02/2017)



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