

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.232 of 2017

and

C.M.P.Nos.3813 and 3814 of 2017

- 1.The Director,
Directorate of Government Examinations,
D.P.I. Complex, College Road,
Chennai-600 006.
 - 2.The Chief Educational Officer,
Erode District,
Old Railway Station Road,
Erode.
- ... Appellants

-vs-

Adharsh Vidhyalaya Higher Secondary School,
Adharsh Nagar,
Paruvachi (PO), Anthiyur Taluk,
Erode District-638 812
represented by its Headmaster
Mr.G.Suresh ... Respondent

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.851 of 2017 dated 31.01.2017.

WP.Prayer:

Petition filed under Article 226 of the Constitution of India Praying for a writ of certiorarified Mandamus calling for the records comprised in Na.Ka.No.094001/H.8/2016 dated 04.10.2016 on the file of the first respondent, quash the same and consequently direct the first respondent to restore the examination centre to the petitioner school with code NO.2824 for Higher Secondary Exams and Code No.2845 for SSLC exams for the academic year 2016-2017.

For Appellants :: Mr.K.Venkataramani, Addl.Advocate General
assisted by
Mr.P.S.Sivashanmugasundaram, Spl.GP

For Respondent :: Mr.R.Bharanidharan for Mr.R.Karthikeyan

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the order passed by this Court in W.P.No.851 of 2017 dated 31.01.2017.

2.The respondent-School filed a writ petition in W.P.No.851 of 2017 challenging the proceedings dated 04.10.2016 of the first appellant in and by which the first appellant refused to allot the respondent school as the examination centre for the students of S.S.L.C. and Higher Secondary classes to write the examination. The learned counsel appearing for the respondent submitted before the writ Court that the said order was passed without affording sufficient opportunity to the school to putforth their defence. It was also stated that such order was passed purportedly on the allegation that one of the teachers who was nominated for supervising the examination was instrumental in allowing the students to indulge in copying in the examination centre during the previous year. The learned counsel for the respondent contended before the writ Court that none of the teachers working in the respondent-school will be allowed to enter the school premises until the entire examinations are completed and that the invigilators or supervisors are nominated only by the appellants from the adjacent Government schools. It was also submitted that about 1200 students were likely to undertake examinations in their school in the current academic year and they were also issued with hall tickets indicating the respondent school as their examination centre and the school has provided all the infrastructural amenities to enable the students to take the examination in their school. When such being the position, the counsel submitted that the direction directing the students to undertake the examination in other schools which are far away from the respondent-school, will cause great hardship and prejudice to the students. After hearing both sides, the learned single Judge set aside the order impugned in the said writ petition, with an observation that the said order will enure to the benefit of the school only for the current academic year and it is for the appellants to allot the respondent school as examination centre for the next academic year in accordance with law, only if they are eligible. The respondent-school was also directed to install CCTV camera at all prominent places in the school premises including all the halls where the examinations were to be conducted and also to handover the building of the school to the custody of the appellants atleast 3 days before the commencement of the first examination after completing the installation of CCTV camera work also within two days ahead of the examinations.

3.Challenging the said order passed in the writ petition, the present appeal has been by the Government.

4.The learned Additional Advocate General appearing for the appellants has submitted that the order passed by the authorities, refusing to allot the respondent school as the examination centre for the students of S.S.L.C. and Higher Secondary classes to write the examination, which has been challenged in the writ petition, has been passed after obtaining explanation from the respondent-school and hence it cannot be said that there was violation of principles of natural justice. He further submitted that the Forensic Department has given a report, in respect of the malpractices carried out while conducting examination in the school, stating that there was some insertion in the Chemistry answer papers and the said insertion was made by an anonymous person, and that during the valuation of Chemistry and Mathematics answer papers of the five students of the respondent school, some serious lapses have been noticed by the examiners. Thus, according to the learned Additional Advocate General, serious lapses have been committed by the school authorities and hence the school should not be permitted as a centre for writing the examinations.

5.The learned counsel for the respondent has submitted that the allegations made by the authorities are baseless, as no teacher of the respondent-school would be permitted to enter into the examination halls in the same school, and only the teachers belonging to adjacent schools would be permitted.

6.Heard the learned counsel on either side and perused the materials available on record.

7.At the outset, it has to be stated that insertion of additional written sheets in the answer sheets of a particular student or such other type of malpractice, are serious offences which will only affect the deserving students. It is the duty and responsibility of the invigilators to conduct the examination in a proper manner and to see that no malpractices are involved. Failure to conduct the examination in a proper manner would pave way for the undeserving students to get more marks by way of copying, while the deserving students would get affected. The invigilators should be strict in ensuring discipline among the students in the examination halls, to see that no such type of malpractices occur.

8.In the case on hand, it is seen that the authorities had decided not to allot the respondent-school as the examination centre for the students of S.S.L.C.and Higher Secondary Classes to write the examination. The learned single Judge quashed the order impugned in the writ petition and directed the authorities to conduct the examination for the current academic year, clarifying that it is for the appellants to allot the respondent school as examination centre for the next academic year in accordance with law, only if they are eligible. The respondent-school was also directed to install CCTV camera at all prominent

places in the school premises including all the halls where the examinations are to be conducted. The examinations for the academic year in question, ie., 2016-2017 have already been over. Now, it is represented that the matter went to the extent of conducting the examinations outside the city. This according to the learned counsel for the respondent-school, would create great hardship to the students residing in the locality where the school is situated. In the stated circumstances, we direct that from the next year onwards, the S.S.L.C. and Higher Secondary examinations shall be conducted in different centres, but in the same city. The installation of CCTV cameras and other strict measures, as ordered by the learned single Judge shall remain unaltered. Accordingly, the order passed by the learned single Judge is modified.

9.The writ appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1.The Director,
Directorate of Government Examinations,
D.P.I. Complex, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Erode District,
Old Railway Station Road,
Erode.

+1 CC to the Government Pleader Advocate SR.NO.79335

+1 CC to Mr. R.Karthikeyan Advocate SR.NO.78406

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W.A.No.232 of 2017

and

C.M.P.Nos.3813 and 3814

of 2017

SS(CO)
VC (27/11/2017)

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