

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.1364 of 2017
and WMP Nos.1289 & 1290 of 2017

Kamaraj Memorial Higher Secondary School
Panthaluvilai, Manjalumoodu Post
Kanyakumari District- 629 151
Rep by Manager/ Correspondent A.Kamalan

... PETITIONER

Vs

1. The State of Tamil Nadu
Rep by Secretary to Government School
Education Department , Fort St. George
Chennai-9
2. The Director of School Education
DPI Campus , College Road ,
Chennai - 600006.
3. The Director of Government Examinations
DPI Campus, College Road
Chennai-600006
4. The Joint Director of School Education
(Higher Secondary) College Road,
Chennai - 600006.
5. The Chief Educational Officer
Nagercoil,
Kanya Kumari District
6. The District Educational Officer
Kuzhithurai,
Kanyakumari District

... RESPONDENTS

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus calling for the records relating to the order of the fourth respondent issued in Na.Ka.227310/H8/2016 dated 02.12.2016, quash the same and consequently direct the respondents herein to grant permission for an examination centre in the petitioner's school to write the XII standard Public Examination from the academic year 2016-17.

For Petitioner : Mrs.P.Mahalakshmi

For Respondent : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

O R D E R

The petitioner is before this Court challenging the order canceling the petitioner's school as examination centre for +2 examination stating that there are no required facilities available in the school.

2. The petitioner school is a linguistic minority school having been established and administered by the Malayalam linguistic persons. The petitioner school was upgraded as Middle School in the year 1985 and further upgraded as High School during the year 1990 with aid. Subsequently, during the year 1995-1996, the petitioner school was further upgraded as Higher Secondary School without aid for Higher Secondary section alone. The petitioner School is having adequate infrastructure facilities with sufficient class rooms and other legal requirements to write the public examination for more than 500 students. However, the 4th respondent, by virtue of impugned order dated 02.12.2016, cancelled the examination centre to the petitioner school, along with five other schools because of the drop in the strength of the students and also due to non-availability of required facilities for conducting +2 examination.

3. Mrs.P.Mahalakshmi, learned counsel for the petitioner would submit that the School is located in the hilly area and the students are mostly Tribal students they have to walk about 15 miles to reach the nearby examination centre namely Andokodu Village. Moreover, it is very difficult for the students to reach the examination centre as there is no bus facilities available to that Village.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents would submit that the required students strength is not available in the School for declaring the school as Examination Centre for conducting +2 examination and proper infrastructure facilities are also not available for conducting examination in the petitioner School. Hence, the impugned order has been passed cancelling the examination centre to the petitioner school along with five other Schools for conducting examination.

5. When the strength of the students who are going to write the +2 examination has come down and proper facilities are not available in the petitioner school, the decision taken by respondent cancelling the examination centre, cannot be interfered with. In view of the above stated reasons only, the 4th respondent passed the impugned order rightly. Unless the required infrastructures / facilities and the required

student strength are made available, as a matter of right, the petitioner cannot seek to grant permission for treating their School as Examination Centre. Therefore, the writ petition fails.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

7. The grievance of the petitioner cannot be just like that ignored. Admittedly, the Village is located in a hilly area and the students who are studying in the School are Tribal students. They have to walk about 15 miles to reach the nearby Examination Centre and therefore, the respondents have to make arrangement to carry the students from the petitioner School to the Examination Centre by operating either a Minibus or a Van during the period of examination. In this regard, the respondents are directed to file affidavit on or before 10.04.2017.

8. Post the matter for compliance on 10.04.2017 as first item, immediately after admission.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rgr/pam

To

1. The Secretary to Government
State of Tamil Nadu
School Education Department ,
Fort St. George, Chennai-9
2. The Director of School Education
DPI Campus , College Road ,
Chennai - 600006.
3. The Director of Government Examinations
DPI Campus, College Road
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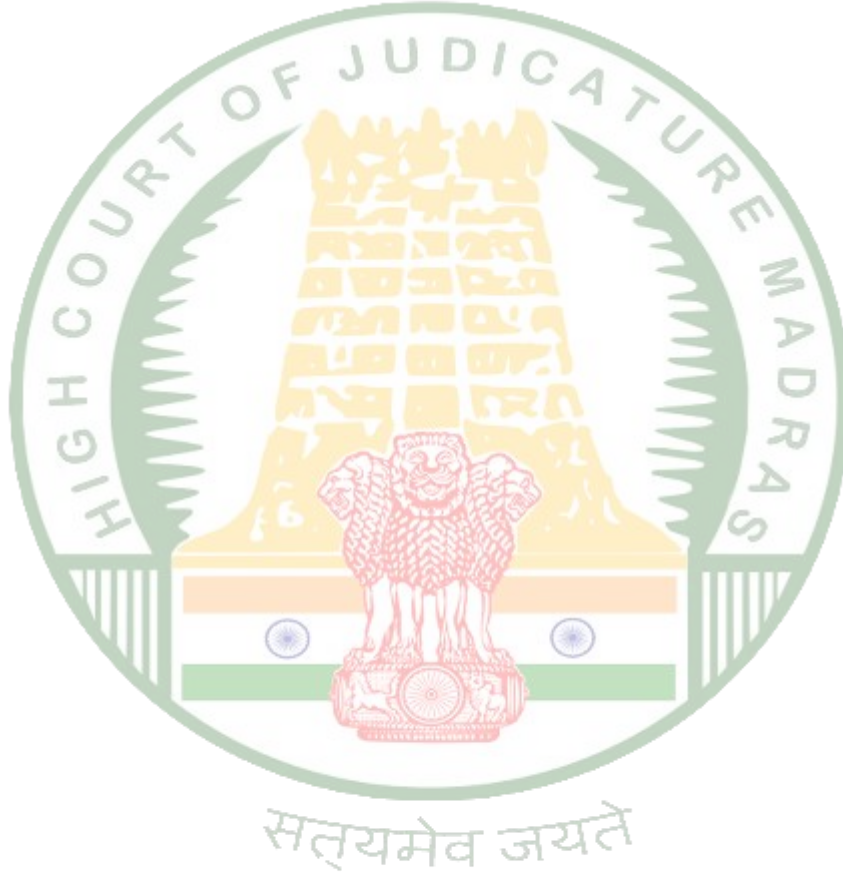
5. The Chief Educational Officer
Nagercoil, Kanya Kumari District

6. The District Educational Officer
Kuzhithurai, Kanyakumari District

+ 1 cc to M/s. P. Mahalakshmi, Advocate SR.19186

W.P.No.1364 of 2017

RB (CO)
EU 3.4.17



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