

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 851 of 2017

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Adharsh Vidhyalaya Higher Secondary School
Adharsh Nagar
Paruvachi (P.O.), Anthiyur Taluk
Erode District - 638 812
represented by its Head Master
Mr. S. Suresh

.. Petitioner

Versus

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

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

.. Respondents

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 Petitioner : Mr. M. Venkatachalapathy, Senior Advocate
for Mr. R. Karthikeyan

For Respondent : Mr. V. Ananthamoorthy
Additional Government Pleader

ORDER

The petitioner school has come forward with this writ petition challenging the proceedings dated 04.10.2016 of the first respondent in and by

which the first respondent refused to allot the petitioner school as the examination centre for the students of S.S.L.C. and Higher Secondary classes to write the examination.

2. The learned Senior counsel appearing for the petitioner would contend that the order dated 04.10.2016 has been passed by the first respondent without affording sufficient opportunity to the petitioner school to put forth their defence. 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. According to the learned Senior counsel for the petitioner, none of the teachers working in the petitioner 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 respondents from the adjacent government schools. Above all, the learned Senior counsel for the petitioner would contend that about 1200 students are likely to undertake examinations in their school in the current academic year and they were also issued with hall tickets indicating the petitioner school as their examination centre. The petitioner school has provided all the infrastructural amenities to enable the students to take the examination in their school. However, by reason of the impugned order, the students are now directed to undertake the examination in other schools which is far away from the petitioner school. According to the learned senior counsel for the petitioner, 50% of the total strength of the students are residents of the same locality and if they are directed to write the examination in other centre, it will cause great prejudice and hardship to them. The learned Senior counsel also submits that the petitioner is ready to install CCTV

cameras in all important places in the school and will also hand over the entire school building to the respondents atleast 3 days ahead of the examination so that they can take control of the entire aspects, including the completion of work relating to installation of CCTV within three days ahead of the examination. Further, the petitioner school is ready and willing to abide by any condition that may be imposed by the respondents and prayed for allowing the writ petition as prayed for.

3. The learned Additional Government Pleader, on the other hand, would justify the impugned order of the first respondent by contending that the impugned order has been passed after obtaining an explanation from the petitioner on 10.06.2016 and therefore, the order dated 04.10.2016 has been passed in compliance with principles of natural justice. In the order dated 04.10.2016, the first respondent has given detailed account of the various lapses committed by the petitioner school. Even at the time when permission was granted to the petitioner school during the previous year, it was specifically stated that if the petitioner school commits any lapses, their school will not be allotted for writing the examination in the subsequent year without any further notice. When the petitioner school has committed lapses in not properly conducting the examination during the previous year, the first respondent is justified in passing the order dated 04.10.2016 and he prayed for dismissal of the writ petition.

4. I heard the learned senior counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents. It is seen that around 1200 students are likely to take up their examination in the petitioner school and they were also issued with hall tickets. Therefore, at this stage, if the students are

directed to take their examination in other centres, bifurcating themselves in to three groups to other schools, it will cause hardship and prejudice to them. Therefore, in the best interest of the students who are likely to take up their S.S.L.C. and higher secondary examinations during March/April 2017, it is desirable that the impugned order has to be set aside. However, it is made clear that this order will enure to the benefit of the petitioner school only for the current academic year and it is for the respondents to allot the petitioner school as examination centre for the next academic year in accordance with law only if they are eligible. The petitioner is directed to install CCTV camera at all prominent place in the school premises including all the halls where the examination are to be conducted and also to handover the building of the school to the custody of the respondents 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. The respondents also are at liberty to impose such other condition or conditions that may be deemed fit and proper to ensure that the examinations are conducted in a proper manner. It is made clear that this order will not preclude the authorities from taking any action against the petitioner, if any pending.

5. Accordingly, the impugned order of the first respondent is set aside. The writ petition is allowed. No costs. Consequently, connected WMP No. 874 of 2017 is closed.

30.01.2017

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Index : Yes / No
Internet : Yes / No

Note : Issue order copy within a week

To

1. The Director
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D.P.I. Campus
College Road, Chennai - 600 006
2. The Chief Educational Officer
Erode District
Old Railway Station Road
Erode

B. RAJENDRAN, J

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