



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM:

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD) No.10806 of 2017

and

W.M.P. (MD) Nos.8227 to 8229 of 2017

R.Josephin Rose

... Petitioner

-vs-

1.The Chairman,
Central Board of Secondary Education,
(An Autonomous Organization of Human
Resources Development,
Government of India),
Shihdha sadan,
17, Institutional area,
Rouse Avenue,
Delhi - 110 002.

2.The Joint Secretary,
Central Board of Secondary Education,
IT Block, 15th Main Road,
Annanagar West,
Chennai - 40.

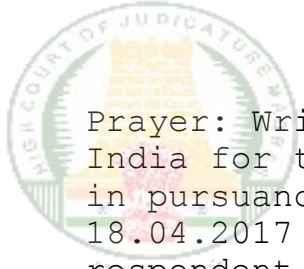
3.The Commissioner ,
Kendriya Vidyalaya Sangatham,
18, Institutional Area,
New Delhi - 110 016.

4.The Assistant Commissioner,
Kendriya Vidyalaya Sangatham,
Chennai Regional Office,
IIT Campus,
Chennai - 600 036.

5.The Deputy Commissioner,
Kendriya Vidyalaya Sangatham,
Chennai Regional Office,
IIT Campus,
Chennai - 600 036.

6.The Principal,
Kendriya Vidyalaya Sangatham,
CECRI Campus, Karaikudi -6,
Sivagangai District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari calling for the records in pursuance of the order passed by the 6th respondent dated 18.04.2017 and quash the same as illegal and also direct the respondent No.3 to 6 to allow the petitioner's daughter namely Nisha Preethi Abiseha to continue her studies in the 12th standard in the respondents No.3 to 6 School in the Academic Year 2017-2018.

For Petitioner : Mr.S.J.Chakkaravarthy

For Respondents 1 and 2 : Mr.Jayasingh

For Respondents 3 to 6 : Mr.E.T.Rajendran

O R D E R

The Writ Petition has been filed for issuance of a Writ of Certiorari to call for records in pursuance of the order passed by the sixth respondent dated 18.04.2017 and quash the same as illegal and also direct the respondent No.3 to 6 to allow the petitioner's daughter namely Nisha Preethi Abiseha to continue her studies in the 12th standard in the respondents No.3 to 6 School in the Academic Year 2017-2018.

2. Heard Mr.S.J.Chakkaravarthy, learned counsel for the petitioner and Mr.Jayasingh, learned counsel for the respondents 1 and 2 and Mr.E.T.Rajendran, learned counsel for the respondents 3 to 6.

3. The case of the petitioner is that petitioner's daughter namely, Nisha Preethi Abiseha was studying in CBSE syllabus, Kendriya Vidyalaya Sangatham, Karaikudi since 2006. She appeared for the Central Board of Secondary 11th standard examination during the year 2016-2017 and the results were published on 27.03.2017. It shows that the petitioner's daughter failed in three major subjects namely, Mathematics, Chemistry and Physics. On 28.03.2017, the petitioner's husband sent a representation to the third respondent for revaluation of the answer papers.

4. Thereafter, on 30.03.2017, the petitioner's husband sent the representation seeking permission for the appearance of supplementary examination. On 18.04.2017, by the impugned order, the respondent rejected the representation of the petitioner's husband on the ground that she has failed in three subjects. Hence, this writ petition has been filed.

5. Mr.E.T.Rajendran, the learned counsel appearing for the respondents 3 to 6, referring to the counter filed by the sixth respondent, would submit that as per the Education Code for Kendriya Vidyalayas, the students who secured overall 33% promoted to the



higher class and the students who have failed in one or two subjects are promoted to write supplementary examination, which was also incorporated in the students diary issued for 2016-2017.

6. It is also submitted by Mr.E.T.Rajendran, the learned counsel appearing for the respondents 3 to 6, that on 05.12.2016, Parents and Students Meeting was conducted and in the meeting, the petitioner has also participated and it was clearly stated that the no supplementary examination will be permitted who have failed more than two subjects. The petitioner, who is signatory to the meeting, has filed this Writ Petition suppressing the material fact. The Education Code for Kendriya Vidyalayas, has clearly shown that the students secured less than 33% in one or two subjects would be allowed to take supplementary examination in those subjects.

7. Admittedly, the daughter of the petitioner has failed in three subjects. It is also an admitted fact that on the representation of the petitioner's husband, revaluation was conducted in which also the petitioner's daughter could not succeed in those subjects. Considering the above fact, I do not find any merit in this Writ Petition.

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

Sd/-
Assistant Registrar

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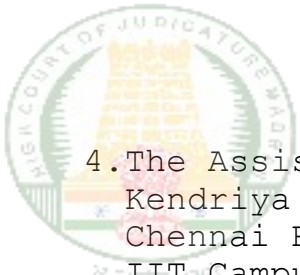
Sub Assistant Registrar

To

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Sivagangai District.

+1cc to Mr. S.JEYASINGH Advocate in SR. No.61094
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.61472
SM/GSP
JS/KKR/SAR.1/30.6.2017/4P-9C

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