

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.4822 of 2017

ORDER:

Heard learned Counsel for the petitioners and the learned Government Pleader for Education.

Two students aged about ten years and eight years got admission in the tenth class in the school run by their father situated at Naspur, Mancherial District and completed their study. They sought relaxation of age condition for appearing to the tenth class examination. They applied to the Hon'ble Chief Minister on 17.10.2016. The application was forwarded to the Director of Government Examinations, who, in turn addressed a letter to the Government for appropriate action. The Government issued a Memo on 24.11.2016 asking them to furnish the information relating to their class of study. After receipt of information, the Government issued a Memo on 12.01.2017 rejecting the request on the ground that, as per Government Memo dated 08.06.2006, a candidate who desires to appear for the SSC Public Examinations through regular stream should have completed the age of 14 years, the Government took a policy decision not to consider the age relaxation beyond two years and allowing the children aged about 7 years and 9 years to write the SSC examination is not

good for the overall development of the children. The said order is challenged in the present Writ Petition.

In order to assess the talent of the petitioners/students, this Court directed the Principal of the Zilla Parishad Government High School, Mancherial, to allow them to appear for the pre-final examination held from 20.02.2017 and submit a report of the marks obtained by them to this Court. Today, a report is submitted by the District Educational Officer, Mancherial, stating that the girl obtained 353 marks out of 480 marks, whereas the boy obtained 292 marks out of 480 marks. The said marks obtained by the students were more than 50%.

Now the point for consideration is whether the two students shall be allowed to appear for the public examinations to be held from 17.03.2017 or not?

Learned Counsel for the petitioners submitted that the Government, earlier on 01.12.2014, permitted one Agastya Jaiswal to appear for the SSC public examinations in March 2015 by relaxing the age and there are several other students who appeared for the public examinations in spite of not completing the age of 14 years and there should not be any restriction on the age of the students appearing for the public examinations.

Learned Government Pleader, on the basis of Government Memo dated 08.06.2006, submitted that the candidate who completed the age of 14 years on or before 31st August of academic year in which examination is held only is eligible to appear for SSC examination and the District Educational Officers are competent to grant exemption of age up to one and half year only to enable the candidates to appear for the SSC Public Examination. She further submitted that in view of various cases referred to the Government, the Government thought it fit to take a policy decision to relax upto two years and any case beyond two years shall be rejected straightaway. The relaxation shall be granted by the Director of School Education, Hyderabad/the Director of Government Examinations, Hyderabad, up to two years.

Learned Government Pleader further produced before this Court the material received by the Director of Government Examinations.

As stated above, the application of the petitioners was forwarded to the Director of Government Examinations and he addressed a letter to the Government for appropriate action. The Government issued a Memo on 24.11.2016 asking the Director of Government Examinations to inform the Government with regard to the class in which the petitioners were studying.

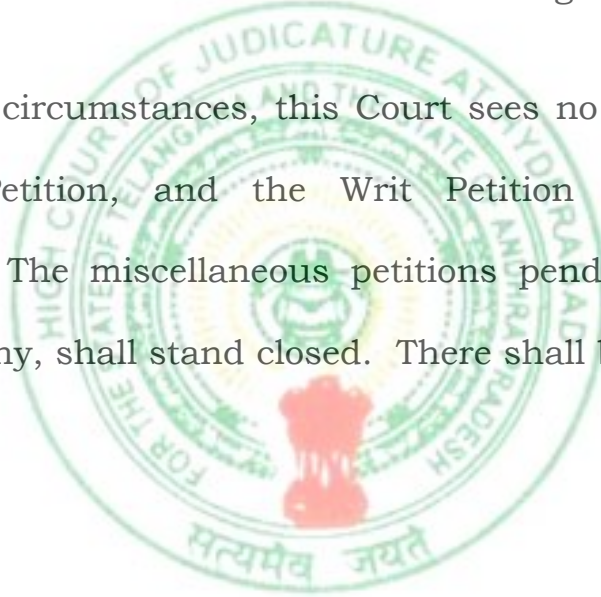
The Director in turn addressed a letter to the Head Master on 29.11.2016. The Head Master, by referring to the said letter with ante-date, namely 07.11.2016, stated that the petitioners have been studying fifth class and third class respectively, but they are being taught 10th class syllabus. He enclosed the bonafide and conduct certificates of the petitioners dated 25.09.2016 stating that they are studying fifth class and third class respectively. A copy of the letter dated 29.11.2016 addressed to the Head Master of the school was marked to the District Educational Officer, Mancherial District. After submitting the information, as aforesaid, to the Director of Examinations, the Head Master of the school wrote a letter on 02.01.2017 to the District Educational Officer stating that they were admitted to the first class in the year 2012 and 2014 respectively, but they were promoted and at present they are studying 10th class. He enclosed copies of the admission register and the attendance register in support of the communication. Based on the said communication, the District Educational Officer informed the Director of Government Examinations on 04.01.2017 that the students are studying 10th class during the academic year 2016-2017. This information was based on the information supplied by the Head Master, who is none other than the father of the petitioners. He supplied the false information to the District Educational Officer contrary to

the information submitted to the Director of Government Examinations on 07.11.2016, wherein he stated that the petitioners are studying fifth class and third class respectively.

On the basis of the communication of the District Educational Officer to the effect that the petitioners are studying 10th class, I wanted to allow the Writ Petition and, in fact, dictated an order to that effect. But, when the matter was taken up, learned Government Pleader produced the contrary statements made by the father of the petitioners to the Director of Government Examinations and the District Educational Officer, which clearly showed that the petitioners were not studying 10th class on the basis of the bonafide certificates issued by him. The 10th class examinations are conducted for 100 marks in each paper consisting of 80 marks for final public exam and 20 marks for internal assessment and unless the student undergoes a regular study, one cannot have the marks for internal assessment. A perusal of the attendance register also showed that there were interpolations and the Head Master, being the father of the petitioners, in a hurry tried to manipulate the records. There is no explanation for not coming to this Court immediately after the order of rejection on 12.01.2017 and coming to this Court after one month. Though the performance of the students was up to the mark, making them competent to appear for the examination, but in a hurry the

petitioners' father did not take proper regular steps in pursuing the matter. The examinations are commencing from 17.03.2017 and no order can be issued at this length of time as the petitioners did not pursue regular study as students of 10th class and also on the ground of delay in approaching this Court. This Court permitted them to appear for the pre-final examination in order to *prima facie* assess their talent and though they showed their talent, they cannot be permitted to appear for the 10th class examination violating the procedure.

In the circumstances, this Court sees no ground to allow the Writ Petition, and the Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.



(A.RAMALINGESWARA RAO, J)

10.03.2017
vs