

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.630 of 2018
and
WMP.Nos.778 to 780 of 2018

Adharsh Vidhyalaya Higher Secondary School
represented by its Head Master
G.Suresh

... Petitioner

vs.

1.The Director,
Directorate of Government Examination,
DPI Complex, College Road,
Chennai - 600 006.

2.The Chief Education Officer,
Erode District,
Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records of the respondents with regard to the Nominal Roll for Higher Secondary first and second Years Examination (March 2018) published by the respondents as per the letter of the first respondent in Na.Ka.No.140777/H.S.1/2017 dated 21.12.2017 with respect to the petitioner school and consequently direct the respondents to allot the examination centre in Paruvachi Village (same city) in which the petitioner school is located for the academic year 2017-2018 with respect to the examinations for the Higher Secondary first and second year students and SSLC students and accordingly public the fresh nominal roll for the academic year 2017-18 with respect to the examinations for the Higher Secondary first and second year students in the light of the orders passed in W.A.No.232 of 2017 and contempt petition No.334 of 2017.

For Petitioner : Mr.A.Thiagarajan, SC
for Mr.S.Senthil

For R1 & R2 : Mr.P.Aravind Pandian, AAG assisted
by Mr.C.Munusamy, SGP (Edn)

ORDER

The petitioner has come up with the present writ petition, challenging the nominal roll issued by the first respondent and consequentially, seeking a direction to the respondents to allot the examination centre in Paruvachi Village, in which, the petitioner school is located, for the academic year 2017-18 with respect to the examinations for the Higher Secondary first and second years' students as well as SSLC students and accordingly publish the fresh nominal roll for the same.

2.The case of the petitioner as averred in the writ petition is as follows:

2.1 The petitioner school was established in the year 2004, imparting education for the classes from 1st standard to 12th standard and was recognized by the Government of Tamil Nadu. The petitioner has been declared as examination centre since the year 2006 for the higher secondary as well as SSLC examinations and there has been no complaint whatsoever in conducting such examination in the petitioner school. Even the students studying from the nearby Government Higher Secondary School at Olagadam were also writing exams in the petitioner school till the academic year 2010-2011.

2.2 When the things stood so, the first respondent had issued a show cause notice dated 02.09.2016 calling upon the petitioner to explain as to why the examination centre of the petitioner school should not be cancelled, for the alleged irregularities found in the examination held for the Academic year 2015-16, to which, the petitioner submitted its detailed reply. However, the first respondent, by order dated 04.10.2016, had cancelled the examination centre of the petitioner's school.

2.3 Challenging the said cancellation order, the petitioner has filed a writ petition in WP.No.851 of 2017, which was allowed on 30.01.2017, against which, the respondents filed an appeal in WA.No.232 of 2017.

2.4 Despite the order passed in the writ petition, the respondents have not taken any steps to allot the petitioner school as examination centre and allotted the different schools as examination centres for the students studying in the petitioner school, which compelled the petitioner to initiate contempt proceedings.

2.5 In the mean while, by judgment dated 06.11.2017, the writ appeal was disposed of, modifying the order of the learned Single Judge to the effect that since the examinations for the academic year 2016-17 has already been over, from the next year

onwards, the SSLC and Higher Secondary examinations shall be conducted in different centres, but in the same city.

2.6 Subsequently, in the contempt proceedings, the learned Additional Advocate General has given an undertaking that the direction issued by the Division Bench will be complied with from next year onwards i.e., academic year 2017-18 and recording the same, the contempt petition was closed.

2.7 In the light of the judgment passed in the writ appeal and the undertaking given by the learned Additional Advocate General, the petitioner made a representation dated 30.12.2017 to the respondents to allot the petitioner school as examination centre for the academic year 2017-18 with respect to the HSC and SSLC examinations. However, without considering the said representation, the first respondent has published the Nominal Roll for the Higher Secondary Examination for both first and second years, scheduled to be held on March 2018, allotting the same centres as were allotted for the previous year examination, by the impugned order dated 21.12.2017. Hence, this writ petition.

3. The learned Senior Counsel for the petitioner submitted that the first respondent has not considered the petitioner school as examination centre for the ensuing Higher Secondary Examinations, which is contrary to the judgment passed in the writ appeal and the undertaking given by the learned Additional Advocate General in the contempt proceedings. According to the learned Senior Counsel, the change of the examination centre to the different schools situated in outside city would hamper the mental health of the students as the psychology of the students plays a vital role in securing high marks in the examination and hence, the petitioner school or a nearby school may be considered as examination centre for the examinations of HSC as well as SSLC for the academic year 2017-18.

4. The learned Senior Counsel for the petitioner, on instructions, further submitted that in the event of the school as prayed being allotted as examination centre, the petitioner gives the following undertaking:

(i) The school premises shall be handed over to the respondent authorities before one week prior to the commencement of the examination;

(ii) after handing over the school premises, the management authorities and/or staff working under the management shall not enter into the school premises without prior permission from the respondent authorities;

(iii) Special Invigilators or Supervisors may be employed by the respondent authorities on their own, at the cost of the petitioner;

(iv) CCTV cameras will be installed in all the predominant places in the school premises, including the examination halls, as directed by this Court in WP.No.851 of 2017 as affirmed in WA.No.232 of 2017.

(v) The petitioner shall bear all the expenses to be incurred by the respondent authorities for the conduct of the examinations in the petitioner school.

(vi) The petitioner is ready and willing to co-operate with the respondent authorities to conduct the examinations in a free and fair manner.

The learned Senior Counsel has given the names of two schools for consideration in this regard.

5. To buttress the order passed by the first respondent, the learned Additional Advocate General appearing for the respondents submitted that since the petitioner school was involved in the alleged irregularity in the examination for the academic year 2015-16, the first respondent has published the nominal roll for the year 2017-18, allotting the different schools as examination centres.

6. Having given a thoughtful consideration to the submissions made by the learned Senior Counsel for the respective parties and taking note of the earlier orders passed by this Court, this Court is of the opinion that the shifting of the examination centre to a far away place is certainly a burden for the students, which will definitely deter their concentration in writing exams. Therefore, irrespective of the past conduct of the petitioner school with regard to the alleged irregularities in the examination for the year 2015-16, this Court, in the best interest of the students, directs the petitioner to approach the respondent authorities with a representation with regard to allotment of the school viz., Ideal Higher Secondary School, Ideal Nagar, Bhavani Taluk, Erode District, as examination centre for the academic year 2017-18, giving all the undertakings as are made before this Court, along with a copy of this order. On such approach, the respondent authorities shall consider the representation of the petitioner and pass appropriate orders, allotting the said school as examination centre for the Higher Secondary as well as the SSLC examinations, within a period of two weeks thereafter. It is needless to state that the respondent authorities shall make the foolproof arrangements and take all the precautionary measures for conducting the examination in a free and fair manner, of-course, at the cost of the petitioner. The petitioner shall also co-operate with the respondent authorities for the same.

7.This writ petition is disposed of in the manner as indicated above. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS-IV)

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Sub Assistant Registrar

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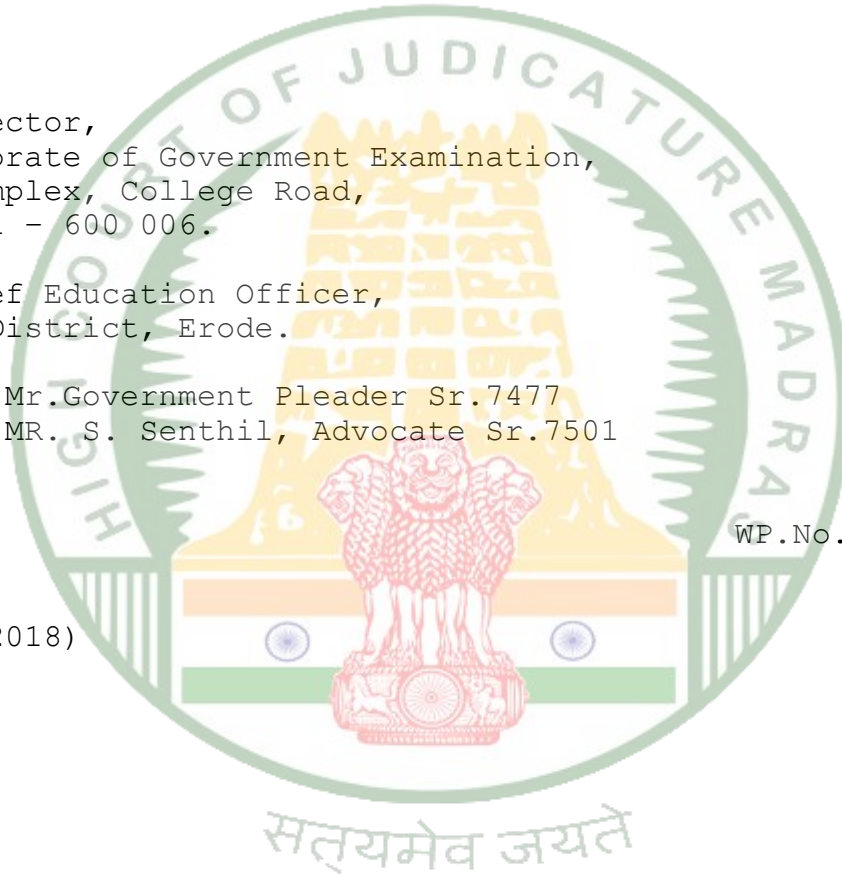
1.The Director,
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2.The Chief Education Officer,
Erode District, Erode.

+ 1 cc to Mr.Government Pleader Sr.7477
+ 1 cc to MR. S. Senthil, Advocate Sr.7501

WP.No.630 of 2018

(CS-IV)
EU(09/02/2018)



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