

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15875 of 2008

1. Minor R.Arvinth Kumar
Rep by his Father Guardian
K.Ravichandran.
2. Minor S.Sri Myndhan
Rep by his Father Guardian
Mr.Sridaran
3. Minor G.Kanimozhi
Rep by her Father Guardian
Mr.Govindasamy
4. Minor M.Sri Guru Prasad
Rep by his Father Guardian
Mr.Muthusamy @ Viswanathan
5. Minor N.Veerasiva
Rep by his Father Guardian
Mr.Nagaraj
6. Minor A.Mary Christina
Rep by her Mother Guardian
Mrs.Jennifer
7. Minor S.Vikneshwaran
Rep by his Father Guardian
Mr.Saravanan
8. Minor S.Harikrishnan
Rep by his Father Guardian
Mr.S.Sugumar
9. Minor V.Dhinesh
Rep by his Father Guardian
Mr.Vaitheeswaran
10. Minor D.Nidhya Bharathi
Rep by her Father Guardian
Mr.K.Dhanasekar

11. Minor K.Sudharsan
Rep by his Father Guardian
V.Kaliaperumal

12. Minor J.Dinesh Kumar
Rep by his Father Guardian
Mr.Jayakumar

13. Minor S.Vishnushunmugapriyan
Rep by his Father Guardian
Mr.Somasundaram

.. Petitioners

Vs.

1. Union Territory of Puducherry,
Through its Secretary to Government
Education Department
Puducherry.

2. The Director,
Directorate of School Education
Puducherry.

3. The Joint Director,
Directorate of School Education
Puducherry.

.. Respondents

Prayer :- Writ Petition has been 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 first respondent in relation to G.O.Ms.No.52, Chief Secretariat (Education), Puducherry, dated 13.06.2007 and the consequent Order of the second respondent in No.2-4 / DSE/PA/PLUS ONE / ADMISSION/2007, Department of School Education, Government of Puducherry, dated 13.06.2007 and the Memorandum No.1-2/DSE/HSW/AC/A-1/+1 Admission / 2008 Government of Puducherry, Directorate of School Education, Puducherry, dated 28.05.2008 issued by the third respondent pursuant to which the entire process of admission to class XI for the academic year 2008 - 2009 carried out by the respondents for the region of Puducherry and Karaikkal in flagrant violation of the undertaking given to this Hon'ble Court on 24.06.2008 and quash the same and consequently direct the respondents to adopt the same procedure of Centralised Admission for the admission of students to the Class XI in the region of Pondicherry and Karaikal which had been hitherto adopted by the respondents all these years.

For the petitioners : Ms.N.Nathami for
Mr.T.S.Baskaran

For the respondents : Mr.J.Kumaran
Government Advocate (Pondicherry)

ORDER

The case of the petitioners is that they had studied in various High Schools in the Karaikal region and are now seeking admission for Class XI in reputed schools in the Karaikal region and more specifically in Government Higher Secondary Schools, Karaikal. They had completed their class X examinations and had come out successful with a total aggregate marks ranging from 399 to 456 out of 500. The Government had issued G.O.Ms.No.52, Chief Secretariat (Education), Puducherry, dated 13.06.2007 and the consequent order of the second respondent in No.2-4 / DSE/PA/PLUS ONE/ ADMISSION/2007, Department of School Education, Government of Puducherry, dated 13.06.2007, in and by which the admissions to the class XI will not be by a Central Counselling process but by adopting the procedure laid down in the dictum of this Hon'ble Court in W.P.No.19834 of 2007 dated 09.06.2007. Out of the 27 High Schools only 13 Schools have Higher Secondary classes. If these 13 schools absorb their respective students, then the students who had passed out from the 14 High Schools though with high percentage of marks would have no choice and have to do a course offered to them. This is a clear discrimination brought about among equals without any reason or nexus for the object sought to be achieved. The impugned memorandum is violative of Art.14 of the Constitution of India and against the judgment of this Hon'ble Court reported in 2007 (4) MLJ 400.

2. This matter pertains to the year 2008 and the Miscellaneous Petitions filed by the petitioners were closed on 07.08.2008, in view of the fact that the petitioners were accommodated in the schools as per their choice.

3. The Government Pleader also submitted that the children were accommodated in various Government Higher Secondary Schools based on the merit and as per the choice. Hence, nothing survives in this writ petition, regarding the change of mode of admission.

4. The Government Pleader would further submit that following the direction of this Hon'ble High Court, schools in Pondicherry and Karaikkal have been admitting the students as per the merit list irrespective of the schools in which they studied.

5. In view of the above submission of the learned Government Pleader, the Writ Petition becomes infructuous and accordingly, the Writ Petition is dismissed as infructuous.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

adl

To

1. The Secretary to Government
Union Territory of Puducherry,
Education Department
Puducherry.
2. The Director,
Directorate of School Education
Puducherry.
3. The Joint Director
Directorate of School Education
Puducherry.

+1cc to the Government Pleader, S.R.No. 38457

W.P.No.15875 of 2008

GJII(CO)
GN(18/09/2018)



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