

HONOURABLE SRI JUSTICE A. RAJASHEKAR REDDY.

WRIT PETITION No. 18927 OF 2018

ORDER :

This writ petition is filed seeking mandamus to declare the action of respondents in not permitting the petitioners to write Secondary School Certificate Advance Supplementary Exams to be held in June, 2018 by considering the representations dated 27/04/2018 as arbitrary, illegal, unconstitutional and contrary to the provisions of the Right to Education Act, 2005 and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. The case of the petitioners is that they appeared for March, 2017 Secondary School Certificate Examinations and they failed in some subjects and again they appeared in June, 2017 advance supplementary examinations still they could not pass all the subjects. Even they wanted to write the said examinations to be held in the month of June, 2018 fees was not received by the respondents stating that the petitioners who appeared in the March, 2018 main examinations are alone allowed to appear in June 2017. As such, the petitioners submitted representation dated 27/4/2018 to the first respondent but no action has been taken and thereafter the same was referred to the Director of School Education/third respondent for taking further action but the

Director of School Education/third respondent is not taking further action, therefore, the present writ petition is filed.

3. The Government Pleader for Education submits that as per notification Rc.No.149-2/B-2/2018, dated 25/04/2018, the Secondary School Certificate Advance Supplementary Examinations, June 2018 are scheduled to be conducted in June, 2018. The said examinations will be conducted only for the candidates, who registered and failed and who were absent in the S.S.C. Public examinations, held in March, 2018 and no fresh candidates will be permitted.

4. In this case, the petitioners made representation on 27/04/2018 but no action has been taken even after the Government issued memo dated 28/05/2018. On the other hand, the Government Pleader submits that only the candidates who failed the said examinations can appear and not others. As such, no permission can be issued. The learned counsel appearing for the petitioners submitted a copy of the notification dated 25/04/2018, wherein para No.5 reads as under :

“ Not to collect the examination fee from any candidates other than those whose names are printed in the extracted nominal rolls of the failed candidates and supplied to the schools, as only the failed candidates of S.S.C. Public Examinations March, 2018 are eligible to appear for the S.S.C., Advanced Supplementary Examinations, June 2018 either for New syllabus or for old syllabus and also to collect fee only from such of those candidates, who have been permitted by Director of Government Examinations, Telangana State, Hyderabad . ”

5. It is not known why the Director of School Education/third respondent in spite of memo, dated 28/05/2018

by the Government has not taken action though discretion is conferred on him to permit petitioners who have not appeared in March, 2018, he could have considered the representation of the petitioners and taken action immediately. Because of the inaction of the first respondent the petitioners were not permitted from writing examinations. The difficulty is examinations, in which the petitioners are to appear are scheduled for tomorrow and in this last hour it is not possible to direct the respondents to allow the petitioners to write examinations as fee is also not paid. Still the petitioners have to appear in some more exams in which they have failed and even if they are allowed to write exams to be held tomorrow no useful purpose will be served, as they have to wait till March, 2019 for completing remaining exams.

6. In view of above facts and circumstances, no relief can be granted in this writ petition to petitioners. However, third respondent to consider similar applications like the one made by the petitioners in future in-time to avoid present situation.

8. With the above observation, the writ petition is disposed of at the admission stage. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand disposed of.

JUSTICE A. RAJASHEKAR REDDY
11/06/201/8

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