

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3627 of 2019
and W.M.P.No.3970 of 2019

T.Shanthi

... Petitioner

Vs.

1.The Secretary,
Government of Puducherry,
Education Department,
Puducherry.

2. The Director of School Education,
100 Feet Road,
Near Indhira Gandhi Statue,
Puducherry.

3. The Principal,
Thanthai Periyar Government Girls'
Higher Secondary School,
Manaveli,
Ariyankuppam,
Puducherry 605 007.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to permit the petitioner's daughter, Mythili to complete her 9th standard in the third respondent School-Thanthai Periyar Government Girls Higher Secondary School, Puducherry.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.D.Ravichander,
Additional Government Pleader
(Puducherry)

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus to direct the third respondent to permit the petitioner's daughter, Mythili to complete her 9th standard in the third respondent School-Thanthai Periyar Government Girls Higher Secondary School, Puducherry.

2. It is the pathetic case of a student whose education is at peril due to the matrimonial discord between the parents. The daughter of the petitioner, who is now 13 years old, is living with her mother in Puducherry and her father is living in Chennai. The petitioner's daughter was studying 8th standard in Immaculate Heart of Mary Higher Secondary School, Church Road, Ariyankuppam, Puducherry. While she was studying 8th standard, her father had taken her away to Chennai and she was not admitted in any School. Therefore, the petitioner had brought her back to Puducherry. The petitioner could not re-admit her daughter in the same School where she was studying, as she did not have any resources. Thereafter, the mother of the student approached the third respondent School for admitting her in 9th standard. Hence, she was admitted in the third respondent-School on 22.08.2018 based on her performance and entrance test conducted by the third respondent School.

3. Admittedly, the student had performed very well and she had been admitted in the 9th standard and she had also passed her quarterly and half yearly examinations, where she had ranked 1 and 2 respectively. Suddenly, the School authorities insisted that the student had to repeat the 8th standard and she cannot be allowed to be in 9th standard. The reason shown is in the transfer certificate furnished by her from the school where she has studied 8th standard, it is specified that she has discontinued. Therefore, it is argued by the learned Additional Government Pleader appearing for the respondents that the petitioner's daughter has not completed her 8th standard and she could not be admitted in the 9th standard.

4. Admittedly, it is not in dispute that the student is studying in the third respondent School after clearing the entrance examination. Thereafter, she has completed at least half of the academic year by writing quarterly and half yearly examinations and performed well, as the School had ranked first and second in the said examinations. A girl student, despite the trauma undergone by her due to the dispute between the parents, has been keen on studying and has secured well competing with the 9th standard students, in spite of the fact that she did not complete her 8th standard.

5. The third respondent is also convinced that the girl is capable of completing her 9th standard, as she is one of the class toppers.

6. Pursing 8th standard again by the petitioner's daughter would take away one full academic year and she would be lagging behind for no fault of hers. Admittedly, the student is very bright and capable of completing the 9th standard successfully.

Accordingly, this Court, taking sympathetic view, is of the opinion that the student, Mythili may be permitted to continue her 9th standard in the third respondent school and complete the academic year. The petitioner is also directed to advise the student about the order of this Court in giving her an opportunity to complete her 9th standard and advise her to focus on education and complete the same successfully realising the responsibility. The third respondent School is directed to allow the student to complete the 9th standard, without insisting on repeating the 8th standard. It is now stated that the student was not allowed to attend the classes from January 2019, otherwise, it is stated that she has been very regular in attending the School. The third respondent School is also directed to consider the attendance of the student, if it is deficit, enabling her to write the examination.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn
To

- 1.The Secretary,
Government of Puducherry,
Education Department,Puducherry.
2. The Director of School Education,
100 Feet Road, Near Indhira Gandhi Statue,
Puducherry.

+1cc to Mr.M.Gnanasekar, Advocate Sr.12751
+1cc to the Government Pleader Puducherry Sr.13127

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srg 27/02/2019