

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5573 of 2019

and

W.M.P.Nos.6345 and 6347 of 2019

F.W.H.Senguttuvan
President,
Parents Teachers Association,
Government Higher Secondary School,
Thandurai, Pattabiram,
Chennai - 600 072.

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.
3. The Joint Director (Personal)
Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.
4. The Chief Educational Officer,
The Office of the Educational Office,
Collectorate Campus,
Tiruvallur.
5. The Assistant Director,
Office of the Assistant Director
of Government Examination,
Tiruvallur.

6. The District Educational Officer,
District Education Office,
Avadi,
Tiruvallur District.
7. The Government Higher Secondary School,
Rep. by Head Master,
Thandurai-Pattabiram,
Chennai - 600 072.
8. Sri Ramakrishna Higher Secondary School,
Rep. by its Principal,
No.53, South Bazaar, Pattabiram,
Chennai - 600 072.

.. Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.100135/P3/2019 dated 12.02.2019 on the file of the third respondent and quash the same as illegal and further direct the respondents 2 to 6 to make the Government Higher Secondary School, Thandurai-Pattabiram, Tiruvallur District viz. The 7th respondent, as the centre for holding the SSLC examination to be held in the month of March, 2019.

For Petitioner : Mr.D.J.Venkatesan

For RR1 to 7 : Ms.P.Kavitha
Government Advocate (Education)

O R D E R

The Parents Teachers Association of the Government Higher Secondary School, Thandurai has challenged the order passed in Na.Ka.No.100135/P3/2019 dated 12.02.2019 issued by the Joint Director, Directorate of Government Examination, who is the third respondent herein stating that the seventh respondent-school is not fit for writing the 10th standard examination to be held from 14.03.2019.

2. The case of the petitioner is that the said Government school is established in the year 1996 and the people from nearly about 30 villages in and around Thandurai depend upon this Government school for educating their children. The said school has got concrete structure and also asbestos roof. The eighth respondent is a private school, which is right across the 30 feet road, which was established in the year 1988.

3. It is the contention of the petitioner that in order to

develop the eighth respondent school, several attempts have been made to shift the seventh respondent-school from Thandurai. It is an admitted fact that some higher classes in the seventh respondent-school were shifted to a separate building in Chekadu, which is 5 kms. away from the existing building. Admittedly, it is a Government school managed by the Education Department. It is stated that all these years from the date of establishment of the school, the 10th standard examinations have been conducted only in the seventh respondent-school. For the first time, the third respondent had cancelled the examination centre status conferred upon the seventh respondent-school for writing 10th standard examination vide proceeding in Na.Ka.No.246196/B7/2018 dated 27.10.2018, which was communicated only to the Head Master, Government School, Thandurai.

4. In fact, the District Educational Officer by Na.Ka.No.538/Aa1/2018, dated 07.02.2018 had specifically stated that the classes for 6th to 10th standard is conducted in Thandurai and classes for 11th and 12th standards are conducted in Chekadu villages. In between these two schools, lies the Chennai-Arakkonam four way railway tracks and also Chennai-Thiruppati National Highways. Hence, it was stated by the District Educational Officer/sixth respondent that it is risk and unsafe for the school children to go to school crossing the railway tracks and the Highways. It is also further stated that though these two schools are functioning independent of each other, the students are put to hardship because of the above inconvenience. The petitioner association is common for both the schools. Since it was felt that it is unsafe to send the children to Chekadu School, there may be possibilities that the parents may stop the students from going to school. Considering all those aspects, a parents teachers meeting was conducted and it was decided that the Thandurai school, namely, seventh respondent can have 11th and 12th standards classes added to the existing classes and likewise, the Chekadu school can have classes from 6th to 10th standard in addition to their existing 11th and 12th standard classes. The said resolution was already recommended and forwarded by the District Educational Officer to the Chief Educational Officer, who is the fourth respondent. However, there seems to be no reference or consideration of the said recommendation, but the third respondent had without considering the same, cancelled the seventh respondent school as the centre for writing 10th standard examination for this year commencing from 14.03.2019.

5. Further, the third respondent has issued the impugned notification with reference to the cancellation of the centre as per her own order dated 27.10.2018 refusing to make the seventh respondent-school as centre for writing 10th standard examination. The reason given in the impugned order is that the class rooms are functioning only in the Asbestos cement roofing

and radiation of heat is more and that it is difficult for the students to write examination. Besides, the class rooms are not of 20x20 in terms of size required for having the school as a centre for examination.

6. Yet another point raised by the learned Government Advocate for cancelling the school as the centre for the examination is the students strength. According to her, there should be at least 100 students, whereas, the petitioner-school has only 98 students taking up the 10th examination for the current academic year.

7. Be that as it may, admittedly, it being the Government school run by the Government care should be taken care by the officers/respondents herein, as the school has been in existence for more than 50 years. If any norms are prescribed for the school to be a centre for writing public examination, the compliance of the same are to be done only by the Government. The school is in existence for more than five decades and that the condition of the school is the same for several years. The only concrete structure available is used for other purposes as the Head Master Room, Staff Room, Stock Room and Science Labs and smart class rooms. The asbestos roofed class rooms are used for accommodating the classes for the students. The students, who have studied all through the years from 6th to 10th standard in the same school do not find it difficult to write the examination in the same school for 3 hours. It would, in fact, make them more comfortable to write in their own school rather than going to another school, which is a private school to write the examination, though it may be right opposite to the seventh respondent school. The decisions of the authorities are taken without coordination with each other. Though the order of cancellation was passed in the month of October 2018 by the very same authority, namely, the Joint Director, that has not been adverted to even in the impugned order and it is not made known to the stakeholders, viz., the petitioner or the students.

8. The learned counsel for the petitioner alleges that the shifting itself is only to help the private school functioning opposite to the Government school. It is, in fact, questioned as to how the permission was granted for starting a private school opposite to the Government school knowing fully well that the students strength of the seventh respondent school will dwindle. Be that as it may, though it is stated that the examination centre for the Thandurai Government Higher Secondary School students has been shifted to Sri Ramakrishna Matric Higher Secondary School/eighth respondent, the reason given as per the sixth respondent in his counter affidavit is to avoid the students from travelling long distances for writing examinations. If the students have to be saved from travelling a long distance or even going out to any other school, they

shall, as well, be permitted to write the examination in their own school, namely, seventh respondent school, as the said school is in the same location for more than five decades.

9. This Court had directed the Chief Educational Officer to visit the school pending the writ petition and file a report. The Chief Educational Officer in his report has stated that though there was a proposal to shift the school from Thandurai to Chekadu, because of the continuous agitations and demonstration by the public and the Parents Teacher Association, it was decided to retain the seventh respondent in Thandurai itself. The report does not even say, whether the seventh respondent school is suitable for conducting the public examination. However, even after considering the fact that for all these years, only the seventh respondent-school had been the centre for the 10th standard examination, the third respondent has changed it without any proper reason.

10. When convenience is the only criteria, it is for the respondents to provide all the comfort the students are entitled to and provide them with other facilities enabling them to write examinations in their own school. The official respondents, who are responsible for the improvement of the infrastructure, having failed to do so, cannot be allowed to jeopardise the interests of the students, who are taking up the public examination for the first time.

11. In the light of the above discussions, the impugned order passed by the third respondent dated 12.02.2019 is set aside and the third respondent is directed to pass appropriate orders to retain the seventh respondent school as the centre for writing 10th standard examination for the forthcoming public examination said to commence on 14.03.2019, immediately.

12. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.
- 3.The Joint Director (Personal)
Directorate of Government Examinations,
DPI Campus, College Road,
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The Office of the Educational Office,
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- 5.The Assistant Director,
Office of the Assistant Director
of Government Examination,
Tiruvallur.
- 6.The District Educational Officer,
District Education Office,
Avadi,
Tiruvallur District.
- 7.The Head Master,
Government Higher Secondary School,
Thandurai-Pattabiram,
Chennai - 600 072.

+lcc to Mr.D.J.Venkatesan, Advocate, S.R.No.22684
+lcc to the Government Pleader, S.R.No.22578

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GP(CO)
CS/12/03/2019