

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5763 of 2019
and W.M.P.Nos.6587 and 6588 of 2019

St. Mark's Matric Hr. Secondary School
rep. by its Senior Principal
Mrs.Renuga Jacob,
W/o.S.D.A.Jacob,
No.88, 89, Balaji Nagar,
Opp. St. Mark Matriculation School,
Katpadi, Vellore-632 007. ... Petitioner

Vs.

1. The Director,
The Directorate of Government Examinations,
D.P.I. Campus, College Road,
Nungambakka, Chennai-600 006.
2. The Chief Educational Officer,
Office of the Chief Education Officer,
Collectorate Buildings, Vellore District,
Vellore - 632 009. ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for all records pertaining to impugned order passed in Na.Ka. No.243561/(HF4)F3/2018, dated 25.02.2019 by the first respondent herein to quash the same and directing the first and second respondents to allot +2 examination centre at the petitioner's School Campus situated at 178 Shalom, Old Katpadi, Vellore-632 007.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for M/s.T.C.Gopalakrishnan

For Respondents : Mr.C.Munusamy,
Special Govt. Pleader (Education)
assisted by Ms.P.Kavitha,
Govt. Advocate (Education)

O R D E R

This writ petition is filed by the petitioner questioning the order passed in Na.Ka.No.243561/(HF4)F3/2018, dated 25.02.2019 by the first respondent and seeking a direction to the first and second respondents to allot +2 examination centre at the petitioner's School Campus situated at 718 Shalom, Old Katpadi, Vellore-632 007.

2. The petitioner school is a minority school having been established in the year 1988 and it was upgraded as a higher secondary school in the year 1998. It has students from L.K.G. to 12th Standard totalling to 656. On 19.12.2013, it was granted permission to function as a SSLC examination Centre on certain terms and conditions. However, the 12th standard students were writing their public examination at Government School, Vellore, which was subsequently changed to Auxilium Girls Higher Secondary School. Hence, the petitioner school has been approaching the respondents to accord permission to conduct 12th Standard in their school itself for their students as well as any private candidates. In fact, Auxilium Girls Higher Secondary School had also given consent for the petitioner school being granted permission as a centre to conduct the 12th Standard Public Examination. The petitioner, pursuant to the notification of the first respondent calling for the proposals from the schools to establish +2 examination centres, approached the second respondent on 03.09.2018 and gave a representation in this regard. The petitioner school has also filed a writ petition in W.P.No.34218 of 2018, which was disposed of on 21.12.2018 directing the first respondent therein to consider their representation on merits and pass appropriate order expeditiously. Pursuant to the said order only, the impugned order came to be passed, challenging which, the petitioner is before this Court.

3. Heard the learned counsels on either side and perused the materials available on record.

4. The learned Senior Counsel appearing on behalf of the petitioner contended that the petitioner is aggrieved by the fact that their school was not recognized as the examination centre for the forthcoming +2 examination to be commenced on 01.03.2019, despite the fact that they have submitted the application in time.

5. The learned Special Government Pleader appearing on behalf of the respondents had placed his reliance on G.O.Ms.No.602, School Education Department, dated 11.10.2017, as per which, inter alia, there should be minimum 100 students to take up the examination in a school for recognizing it as an examination centre, whereas, the petitioner school has got only 58 students in higher secondary school class I and 71 students in Class II. The other condition stipulated in the said G.O. is that if the students are to travel beyond 10 kilometers to the examination centre, to which, the school is attached, then the authorities can consider the status of granting examination centre to the school. The students of the petitioner school have been writing the examination at Auxilium Girls Higher Secondary School, Vellore, which is only five kilometers away from the petitioner school.

6. According to the learned Senior Counsel for the petitioner, the only grievance of the petitioner is that the examination centre being a girls higher secondary school and the petitioner school is a co-education one, without proper toilet facility, the children find it very difficult to take up the examination in the present examination centre. It is not out of place to state that this practice has been there for at least two decades and the petitioner school had never complained about the same.

7. Be that as it may, it is not stated that the practical examination are over and the public examination is due to commence from 01.03.2019. As the date is very close, it would not be ideal to shift the examination centre from the Auxilium school to the petitioner school. Besides, admittedly, the hall tickets have been generated and sent to the respective schools. Hence, in the interest of the students, the petitioner school may continue to permit its students to write the 12th Standard public examination in the authorised centre, namely, Auxilium Girls Higher Secondary School for the current Academic Year.

8. From the perusal of the papers available, it is seen as early as on 03.09.2018, the petitioner school had submitted a representation fulfilling the prescribed norms along with relevant documents to the second respondent seeking approval to their school to be the examination centre. They have also obtained NOC from M/s.Auxilium Girls Higher Secondary School for granting them the status as the independent examination centre. As there was no response from the respondents, the petitioner had filed W.P.No.34218 of 2018 seeking for the writ of Mandamus, which was issued on 21.12.2018 directing the respondents to

consider the application at the earliest. Thereafter also, the petitioner school had given reminder dated 22.02.2019. While so, the impugned order has been passed at the last moment on 25.02.2019, when the examination is scheduled to commence from 01.03.2019.

9. In the affidavit, the petitioner has stated that though G.O.Ms.No.602 prescribes that there should be minimum 100 students studying in a school to get recognized as an examination centre, it appears that the respondents had approved examination centre for one M/s.Kinston Matriculation Higher Secondary School for the year Academic Year 2018-2019, despite the students strength being 40+. It is also stated by the learned Senior Counsel appearing on behalf of the petitioner that the petitioner school has complied with the norms prescribed as per G.O.Ms.No.602, but it is not considered by the respondents. The impugned order does not find any discussion as to whether the petitioner school is convenient for approving as an examination centre, except stating that the school, to which, the petitioner school is attached as an examination centre, has got sufficient space. When the petitioner school is asking for independent centre, the authorities are duty bound to consider the facilities available in that particular school on its own merits. Therefore, without considering the same, the impugned order has been passed.

10. As the petitioner being a co-education school, it is asking for approval as examination centre only for the convenience of the students. Considering the request of the petitioner school, which is being functioning for more than two decades and there is no mention about fulfilling the norms by the petitioner school, the impugned order is liable to be quashed.

11. Accordingly, the impugned order is set aside and the matter is remitted back to the first respondent to consider the request of the petitioner. The first respondent is directed to pass appropriate orders on the representation of the petitioner school, after making proper inspection, on merits and in accordance with law, after affording them an opportunity of personal hearing in the light of G.O.Ms.No.602, dated 11.10.2017, on or before 30.06.2019.

12. It is made clear that for the current academic year, i.e., 2018-2019, the students from the petitioner school may continue to write their 12th Standard public examination in the Auxilium Girls Higher Secondary School, Vellore.

13. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
The Directorate of Government Examinations,
D.P.I. Campus, College Road,
Nungambakka, Chennai-600 006.
2. The Chief Educational Officer,
Office of the Chief Education Officer,
Collectorate Buildings, Vellore District,
Vellore - 632 009.

+1 cc to Mr.T.C.Gopalakrishnan, Advocate Sr.No.18285

+1 cc to The Government Pleader, Sr.No.18914

CSL/05.04.2019

W.P.No.5763 of 2019

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