

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019
CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7412 of 2019
and W.M.P.No.8084 of 2019

Valli

.. Petitioner

Vs.

1. The Director of School Education,
No.17, College Road,
Nungambakkam,
Chennai-6.
 2. The Principal,
Balalok Matriculation School,
Tharachand Nagar,
Virugambakkam,
Chennai-92.
- .. Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 12.03.2019 in accordance with law and permit the petitioner's son Sujilan, S/o.Chandran, to write X Standard Examination to be held on 14.03.2019 onwards in Balalok Matriculation School, Tharachand Nagar, Virugambakkam, Chennai, the second respondent school to secure the ends of justice.

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For Petitioner : Mr.R.Sankarasubbu

For Respondents : Ms.P.Kavitha,
Government Advocate (Edn.) for R1

Mr.K.Koteswara Rao

O R D E R

The petitioner is the mother of minor Sujilan, a student of X Standard in the second respondent school. This writ petition is filed seeking a direction to consider her representation dated 12.03.2019, wherein, she sought permission for her son to sit for the X Standard Public Examination, which commenced on 14.03.2019.

2. Heard the learned Government Advocate (Education) appearing on behalf of the first respondent.

3. The second respondent, on notice, represented that the minor student has only 31.3% of attendance, which is also evident even from the Medical Certificate that is produced by the petitioner. The said Medical Certificate makes it clear that the student was absent from the school and was under treatment from 12.10.2018 to 11.03.2019, as he was suffering from jaundice. The seal of the Medical Officer found in the said Medical Certificate would go to show that the treatment was taken in Kottar, Nagercoil, whereas, the student ordinarily resided in Chennai and studied in the second respondent School.

4. As mentioned earlier, the X Standard Public Examination commenced on 14.03.2019 and the boy was away from attending the school till 12.03.2019. Normally, it would be tough for any student, who is taking up the public examination for the first time to sit for the same without even undergoing minimum coaching. Though it is argued by the learned counsel for the petitioner that the boy is well-prepared for the examination, he could not be permitted to sit for the same, as he does not even have 50% of the attendance. The progress report card of the student was produced by the second respondent school, which categorically reveals that the student had attended the school only for one term till the quarterly examination and not passed in three subjects.

5. Learned counsel for the second respondent school also stated that the student has to either repeat the course in the next academic year or take up the X Standard Public Examination privately.

6. The lack of attendance of the student negatively affects his academic performance. School attendance is a baseline factor in determining the success of a student. In fact, students' absence also will jeopardize the success of the school. Hence, this Court is of the view that any indulgence to the minor student, who lacks attendance, would open up the flood gates, that is the reason why harsh punishment like detaining the student in the same class for unexcused absences. Under these circumstances, this Court is not inclined to entertain this writ petition.

7. Accordingly, this writ petition is dismissed as devoid of merits with no costs. Consequently, W.M.P.No.8084 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

The Director of School Education,
No.17, College Road,
Nungambakkam,
Chennai-600 006.

+1cc to Mr. R.Sankarasubbu, Advocate SR.No. 24801
+1cc to Mr. H.M.MOHAMED FAROOK, Advocate SR.No. 24974
+1 CC TO GOVERNMENT PLEADER SR.NO. 25144

W.P.No.7412 of 2019

A.SK(18/03/2019)



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