



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2019
CORAM

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.11404 of 2019

and

W.M.P(MD).Nos.8680 and 8681 of 2019

Vanaja Rani

... Petitioner

-Vs-

The Principal,
Kendriya Vidyalaya-2,
HAPP, Trichy-25.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned report card of the petitioner's son R.Molish Kreson, IX standard Main and supplementary and quash the same and consequently to direct the respondent to re-evaluate answer papers of the social science written by all the students of the class IX for the year 2018-2019 by un-biased teachers and to compare the petitioner's son's marks with other students marks and to promote the petitioner's son from class IX to X for the academic year 2019-2020.

For Petitioner : Mr.P.Vijendran
For Respondent : Mr.E.T.Rajendran

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned report card of the petitioner's son R.Molish Kreson, IX standard Main and supplementary and quash the same and consequently to direct the respondent to re-evaluate answer papers of the social science written by all the students of the class IX for the year 2018-2019 by un-biased teachers and to compare the petitioner's son's marks with other students marks and to promote the petitioner's son from class IX to X for the academic year 2019-2020.

2.Heard Mr.P.Vijendran, learned counsel appearing for the petitioner and Mr.E.T.Rajendran, learned Counsel appearing for the respondent.

3.The grievance of the petitioner is that, the petitioner's son one R.Molish Kreson studied IX standard in the respondent school during the academic year 2018-2019. After the final examination, he was not promoted to X standard, instead, he was detained in IX

standard. The reason being, according to the respondent, that, in Social Science subject, the petitioner's son did not even reach the minimum marks of 33% out of 100. In this context, the present writ petition has been filed by the petitioner stating that the marks awarded to the petitioner's son, though considered to be low, some of the other students studied in the same class or same section, who also got such a lower mark, have been given promotion to the X standard. Therefore, on this ground, the petitioner seeks indulgence of this Court to give a direction to the respondent to promote the petitioner's son also to X standard.

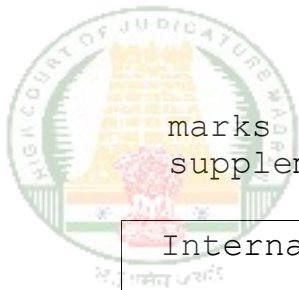
4. On notice, Mr. E. T. Rajendran, learned Counsel has entered appearance on behalf of the respondent and today, he filed a counter affidavit, which reveals the following facts:-

"I submit that all the KV's have followed the CBSE Syllabus. The promotion policy of KVS is based on the CBSE promotion policy and the same has been followed as per the guidelines to decide the results of the students. As per CBSE notification a student of 9th class has to get 33% marks in internal and Annual Examination out of 100 marks to get promotion to X standard. If a student secured less than 33% in one or two subjects he/she will be eligible to take the supplementary examination in those subjects.

It is submitted that the Annual exam of class IX was declared on 27.03.2019 and it is observed that the petitioner's son R. Molish Kreson has failed in the subject of Social Science. The marks obtained by him given below.

Internal Assessment (Scholaristic Weightage) 20 marks				Sessions Ending Exam-80 Marks	Total 100 marks
Subject	Periodic Test (10 Marks)	Submission of Note Books-5 Marks	Subject Enrichment 5 Marks		
Social Science	2.4	4.7	4.8	8	20

It is seen that the petitioner's son has scored 12 marks out of 20 marks in internal assessment and scored 8 marks in session ending examination. The petitioner admitted that his son was unable to score minimum 33 % marks out of 100 marks. Since he failed in one subject, he was allowed to take supplementary examination conducted on 05.04.2019 in the subject Social Science. The final result was declared and the petitioner's son has scored 10 marks in supplementary examination adding 12 marks in internal examination which is less than minimum required



marks 33 total works to 22. the marks obtained in supplementary examination as detailed hereunder.

Internal Assessment (Sholarstic Weightage) 20 marks				Supple- mental Examina- tion out of 80 Marks	Total 100 Marks
Subject	Periodic Test (10 Marks)	Submission of Note Books-5 Marks	Subject Enrichment 5 Marks		
Social Science	2.4	4.7	4.8	10	22

Since he scored only 22 marks which is less than 33% minimum required marks to declare pass, he was detained in the same class."

5.The aforesaid fact reveals that the petitioner's son, in Social Science subject, was able to get 12 marks out of 20 in Internal Assessment and was able to get 8 marks out of 80 in Theory.

6.Considering the very poor performance of the petitioner's son in theory, the respondent school conducted the supplementary examination sometime in April 2019, where also, the petitioner's son was able to improve only two marks in the theory examination and he got only 10 marks out of 80. Therefore, the total marks originally he obtained 20 out of 100 in the first time and after conducting supplementary examination, he obtained only 22 marks out of 100, whereas the minimum marks for getting promotion from IX standard to X standard, as per the Kendriya Vidyalaya Sangathan Regulations, is 33% marks. There is no option for the respondent school except to detain the petitioner's son in IX standard and the report to that effect was given to the petitioner. This is under challenge in this writ petition.

7.In this context, it is the submission of the learned counsel appearing for the petitioner that, some students of the same class or same section, though had to be detained in IX standard, since they got lessor than marks like the petitioner's son, they have been subsequently promoted and unless until the marks statement and answer sheet of all other students, who got subsequently promoted, are called for and verified and compared with the petitioner's son's statement of marks and answer sheet, the discriminatory treatment met out by the petitioner's son cannot be settled or set right and therefore, the learned counsel seeks indulgence of this Court.

8.It is also brought to the notice of this Court that, during the supplementary examination, the original annual examination



theory answer sheet for Social Science paper was given to the petitioner's son and his father and it was verified by them. Thereafter, supplementary examination answer sheet was also given to them and the same was also verified by them.

9. It is admitted on the side of the petitioner that the marks awarded to the petitioner's son in Social Science paper both in original examination and supplementary examination for 80 marks as 8 and 12 respectively are correct marks and in this regard, the petitioner cannot have any grievance stating that, despite the correct answer given by the petitioner's son, marks were not awarded to some of the answers. When admittedly the petitioner's son got only 8 marks out of 80 at the first time and 10 marks out of 80 at the second time altogether the total marks was 20 and 22 respectively out of 100 in Social Science subject, where minimum pass mark is 33%, absolutely there is no reason for the petitioner to make a plea before this Court as projected in the writ petition.

10. After having gone through these factual matrix and the mark statement given by the respondent through the counter affidavit which is not controverted by the learned counsel for the petitioner, this Court is not inclined to interfere with the said decision taken by the respondent to detain the petitioner's son in the IX standard as the petitioner's son does not deserve to be considered to promote X standard, since he was not able to secure the minimum marks, despite the chance to write the supplementary examination given to him.

11. In that view of the matter, the writ petition fails and the same stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to MR.ET.RAJENDRAN, Advocate (SR-70853[F] dated 24/06/2019)

Order made in
W.P. (MD) No. 11404 of 2019
24.06.2019

RMK

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