



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P. (MD)Nos.3886 & 3887 of 2019 and
W.M.P. (MD)Nos.3025 & 3026 of 2019**

M.Chellapandi

... Petitioner

in W.P. (MD)No.3886 of 2019

A.Mariappan

... Petitioner

in W.P. (MD)No.3887 of 2019

Vs.

1. The Director,
Board of Examinations,
Directorate of Government Examinations,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.
2. The Chief Educational Officer,
Theni District, Theni.
3. The District Educational Officer,
Uthamapalayam,
Theni District, Theni.
4. The Headmaster,
Sri Muthaih Pillai Memorial High School,
Aankoorpalayam Road, Cumbum Town,
Uthamapalayam Taluk,
Theni District.

... Respondents
in both petitions

PRAYER in W.P. (MD)No.3886 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allow the petitioner's daughter namely 'Vinothika' to continue in the fourth respondent school and permit her to write 10th standard public examinations for the academic year 2018-19 with all other students.

PRAYER in W.P. (MD)No.3887 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allow the petitioner's daughter namely 'Puvasri' to continue in the fourth respondent school and permit her to write 10th standard public examinations for the academic year 2018-19 with all other students.



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(in both W.Ps.)

For Petitioner

: Mr.S.Sukumar

For R-1 to R-3

: M/s.S.Srimathy,
Special Government Pleader.

For R-4

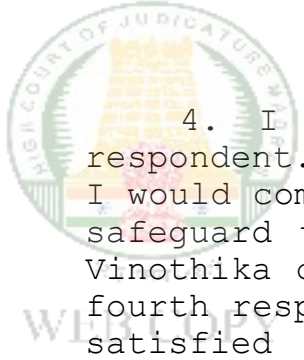
: Mr.S.Pandiyaraj

C O M M O N O R D E R

The daughters of the Writ petitioners studied 9th standard in the fourth respondent school. It is an aided institution. The daughter of Thiru.M.Chellapandi, petitioner in W.P.(MD)No.3886 of 2019 is Vinothika, while the daughter of the other petitioner Mr.A.Mariappan is Puvasri. Both the children failed in their 9th standard final examinations. They could not cross over to the 10th standard. But then, the management felt that the children can write the examinations privately. The management also felt that the said children can study along with the other children informally. In fact they also took the class examinations. Progress reports were also issued. While Puvasri was able to get Hall Ticket to write the examination privately, Vinothika was not lucky. She was not issued with any Hall Ticket. Her online application to write the examination privately was rejected because she was under-aged. The said conduct of the fourth respondent institution triggered the petitioners to file these Writ petitions.

2. The learned counsel appearing for the Writ petitioners pointed out that both the children were promoted and were students of 10th standard in the fourth respondent school and that the school in order to maintain their centum percentage has refused to allow them to continue their education. He seriously questioned the conduct of the fourth respondent. The petitioners' counsel also produced before me the progress reports, note books and other materials corrected by the 10th standard teachers of the fourth respondent school in respect of the two children.

3. I went through the materials on record. The learned Special Government Pleader also made available the report of the Chief Educational Officer, Chennai. The fourth respondent is also present in person before this Court. The fourth respondent submits that sympathy and indulgence shown by the fourth respondent in favour of the children went awry in the case of Vinothika. The aim of the fourth respondent was that the children should not suffer any discontinuance of education and that in spite of failure in the 9th standard, they should be able to write 10th standard Public examination. Therefore, the fourth respondent gave coaching to the two children and also permitted them to attend the classes along with the other regular students. While Puvasri was issued with Hall Ticket, Vinothika could not secure the Hall Ticket on account of her under-age.



4. I am convinced by the explanation given by the fourth respondent. I would not fault the fourth respondent also. In fact I would compliment the fourth respondent for having taken efforts to safeguard the educational interests of the two children. But then, Vinothika could not make it only on account of her age factor. The fourth respondent produced all the original records before me. I am satisfied that both the children could not clear the 9th standard examination. But then, an arrangement was specially devised to safeguard their interests. The efforts of the fourth respondent were in vain in so far as Vinothika is concerned. The fourth respondent cannot be blamed. I do not find any ground to grant the relief sought for.

5. W.P.(MD)No.3886 of 2019 stands dismissed, accordingly. No costs. Consequently, W.M.P.(MD)No.3026 is closed.

6. W.P.(MD)No.3887 of 2019 stands closed as Puvasri is going to write the examination privately. No costs. Consequently, W.M.P.(MD) No.3025 of 2019 is closed.

Sd/-
Assistant Registrar (AD)

/True Copy/

Sub Assistant Registrar

To

1. The Director,
Board of Examinations,
Directorate of Government Examinations,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.
2. The Chief Educational Officer,
Theni District, Theni.
3. The District Educational Officer,
Uthamapalayam,
Theni District, Theni.

+2cc to Mr.S.Sukumar, Advocate in SR.No.52050
+1cc to Mr.S.Pandiyaraj, Advocate in SR.No.52012
+2cc to M/s.Special Government Pleader, Advocate
in SR.Nos.52271 & 52272

W.P. (MD) Nos. 3886 & 3887 of 2019 and
W.M.P. (MD) Nos. 3025 & 3026 of 2019
05.03.2019