



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.24544 of 2019

and

W.M.P(MD).Nos.21164, 21165 and 21166 of 2019

V.Rajendran

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-06.
- 3.The Director of Government Examination,
College Road, Chennai-06.
- 4.The Director of Educational Research
and Training Department,
College Road, Chennai-06.
- 5.Tamil Nadu Parent Teachers Association,
6, College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the impugned G.O.No.164, School Education (MS) Department dated 13.09.2019 passed by the first respondent and quash the same.

For Petitioners : Mr.R.Saravanan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.R.Saravanan, learned Counsel appearing for petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.



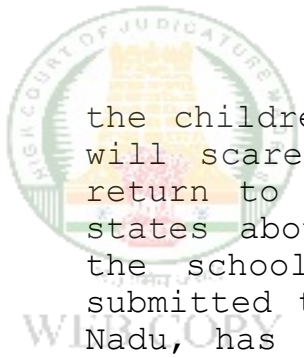
2.By consent of both sides, these writ petitions are taken up for final disposal at the admission stage itself.

3.The petitioner who is the retired Teacher having rendered 23 years of glorious service to the cause of education, has approached this Court by way of this writ petition designed as a Public Interest Litigation. The petitioner has challenged the Government Order in G.O.Ms.No.164, School Education Department, dated 30.09.2019. The contentions put forth by the petitioner have been placed before us by Mr.R.Saravanan, learned counsel appearing for the petitioner.

4.The petitioner would state that the impugned Government Order is against the liberty of the child in learning because conducting a public examination for V and VIII Standard, will be a threat to the children. The petitioner would state that appropriate consultative process was not resorted to issue the impugned Government Order. There was no committee constituted. Views of the Experts, Parents, Psychiatrists were not obtained. The petitioner being a Teacher would say that a public examination is very different from a regular examination conducted in the School by the class teacher. Moreover, when results of public examination are known, it will have a great impact on the young minds as well as their parents.

5.The petitioner has referred to an opinion given by a very leading psychiatrist, who is also the founder of Suicide Prevention Centre 'sneha'. Referring to her statement, the petitioner would contend that about 2500 people would put an end to their lives on account of failure in the examination and the petitioner states that the leading psychiatrist has opined that it is not advisable to have board exams at the young age and we do not want the numbers to rise. There will be pressure to score well. The petitioner would further state that board examinations are not indicators of actual learning and studies on how human intelligence develops and that pen-and-paper tests are not an accurate reflection of what children have learnt. The petitioner would further state that he cannot judge human intelligence with such tests and it is unfair to the child on such parameter. It is submitted that Harvard University's Centre on developing child has emphasised on physical activities of younger children for development of their various abilities and while so, the threat of a looming public examination and success in that as a sole criterion of child learning ability means the child would be deprived of time for other such activities. Further, it is submitted that infrastructure of learning is still so backward in rural and peri-urban areas that educationalists said that having a common public examination would amount to punishing children from disadvantaged backgrounds of the failure of the State.

6.Quoting from the statement given by the State General Services Board, Tamil Nadu Science Forum, it is submitted that most of



the children from rural areas are first generation learners and it will scare them to take a public examination and they would not return to school once he failed in a class. The petitioner also states about the distinction between the examination conducted at the school level and the public examination. Further, it is submitted that no other State in the country except State of Tamil Nadu, has announced public examination for class-V and VIII. With these grounds, the petitioner seeks for quashing the impugned Government Order.

7.In the typed set of papers, apart from the impugned Government Order, the petitioner has annexed paper reports, which have appeared in the dailies from 16.09.2019 to 24.09.2019. It is a settled legal position that a Public Interest Litigation cannot be maintained based on paper news and paper reports. A public interest litigant before he approaches the Court should explore and exhaust all remedies available to him under law. The petitioner has referred to the opinion given by a leading Psychiatrist and Secretaries of various forum, but what is required as public interest litigant is to do independent research in the matter, move the authorities concerned, sensitise the people and establish new credential, but what has been pleaded is a reality. Further, it is seen that the petitioner has sent representation on 18.09.2019 to the Principal Secretary, Education Department and Director of Elementary Education. The impugned order is the policy decision taken by the Government and reasonable time should have been granted to the authorities to act on the representation. In any event, we find that some more material is required to be placed by the petitioner to justify the challenge to the impugned order. Thus, in the absence of these elements, we are not inclined to issue a Writ of Certiorari as prayed for by the petitioner, at this juncture. Therefore, while rejecting the prayer to grant the relief sought for, we grant liberty to the petitioner to associate himself with other organization and undertake further research in the matter and can submit a memorandum to the Government for appropriate decision.

8.The Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Rmk



To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.
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College Road, Chennai-06.
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+1 CC to Mr.R. SARAVANAN, Advocate (SR-100114[F] dated 21/11/2019)

+1 CC to SPL GP (SR-100344[F] dated 21/11/2019)

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VB(03.01.2020) 4P 8C