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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.7682 and 7704 of 2020
AND
WMP 9560/2020

W.P.No.7682 of 2020

V.Ilangovan

... Petitioner

Vs.

1.The Secretary to Education,
Government of Tamil Nadu,
Chief Secretariat, Rajaji Salai, Chennai.

2.The Director,
Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006.

3.The Secretary to Education,
Government of Puducherry,
Chief Secretary, Goubert Avenue,
Puducherry.

4.The Director,
Directorate of School Education for Puducherry,
100 Feet Road,
Anna Nagar, Puducherry.

... respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the second respondent to postpone the Class X Public Exam 2020 to be held from 01.06.2020 to 12.06.2020 till the COVID 19 Pandemic comes under control by ensuring safety of the Children in the State of Tamil Nadu and in the Union Territory of Puducherry by considering the petitioner's representation dated 13.05.2020.



For Petitioner : Mr.R.Sreedhar
For RR 1 & 2 : Mr.C.Munusamy, Spl.GP [Edn]
For RR 3 & 4 : Mr.Syed Mustafa
Government Pleader [Puducherry]

W.P.No.7704 of 2020

V.Elankeeran ... Petitioner's
Vs.

1. The Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.

2. The Principal Secretary
Ministry for School Education
Youth Welfare and Sports Development
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent, announced X Standard Board (Public) Exams to be commenced on 01.06.2020, to postpone after end of lockdown Period, necessitate all the students to attend the exams in a free, fair, without fear and trauma and also allowing sufficient time to warm up for the exams.

For Petitioner : Mr.T.Sivagnanasambandam
For respondent-1 : Mr.V.Jayaprakash Narayanan
Government Pleader
For Respondent-2 : Mr.C.Munusamy, Spl. GP (Edn.)

COMMON ORDER
(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 30th April 2020, by Judges at the respective residence offices and the counsel, staff of the Court appearing from their respective residences.

2. The learned counsel for both sides present. The learned Special Government Pleader submitted that vide G.O.Ms.No.54, School Education (GE) Department dated 09.06.2020, the State Government has decided to cancel the



State Board examination for 10th standard and other classes for the academic year 2019-2020, which were challenged on the ground of increasing Covid-19 cases, in the present Public Interest Litigation - writ petitions.

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3. G.O.Ms.No.54, School Education (GE) Department dated 09.06.2020 is quoted below for ready reference.

" G.O.Ms.No.54, School Education (GE)
Department dated 09.06.2020

ABSTRACT

School Education - Directorate of Government Examinations - Cancellation of Board Examination for Standard 10 and left out subjects of Standard 11 - orders -issued.

School Education (GE) Department

Date: 09/06/2020

Read: 1. Government Letter (MS) No.45,
School Education (GE) Department, dated
12.05.2020

2. Government Letter (MS) No.46,
School Education (GE) Department, dated
19.05.2020

3. Statement of the Hon'ble Chief
Minister dated 09.06.2020

ORDER:

In the Government letter first read above, orders have been issued approving the revised examination schedule for the year 2019-20 and permitting the Director of Government Examinations to conduct Board Examination for Standard 10, left over subjects of Standard 11 and re-exam for the absentees for the Standard 12 examination held on 24.03.2020 from 01.06.2020 onwards.

2) Due to the COVID-19 pandemic situation at present, based on the representations of parents and public to postpone the board examinations, standard 10 Board Examination, Standard 11 Board examination for left out subjects ((i) Chemistry, Accountancy, Geography (new syllabus); (ii) Chemistry, Accountancy, Geography and Vocational Accountancy (old syllabus)) and the re -examination for Standard 12 for the absentees for the examination held on 24.3.2020 have been rescheduled to commence



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from 15.03.2020 onwards in Government letter second read above.

3) In this situation, various Writ Petitions have been filed before the High Court of Madras in this regard and the Hon'ble High Court has told the Government to examine about the postponement of the Board Examinations in view of the present COVID 19 situation.

4) As per the statement third read above, the existing situation has been examined by the Government and considering the fact that COVID-19 pandemic is continuously increasing day by day in Chennai and some other Districts in Tamil Nadu and the experts in communicable diseases has opined that this pandemic will not get reduced in a short time and considering the representations made by the parents and the present trend of the pandemic, the Government orders as follows:

I. In the academic year 2019-20, the Board Examination for Standard 10 and left out subjects of standard 11 -viz., Chemistry, Accountancy, Geography (new syllabus); Chemistry, Accountancy, Geography and Vocational Accountancy is cancelled.

II. Consequent to the above cancellation of board examinations, all the students are declared to have passed the Board Examination for Standard 10 and left out subjects in Standard 11.

III. The marks for the students shall be calculated by taking 80% of the marks based on the marks obtained by the students in Quarterly and Half yearly examinations and 20% of the marks based on their attendance.

IV. The re-examination scheduled for the absentees of the Standard 12 examination held on 24.03.2020 is postponed and the date of re-examination shall be announced later according to the prevailing situation.

(By order of the Governor)
Dheeraj Kumar
Principal Secretary to Government"

4. In view of the aforesaid development, the present writ



petitions are rendered infructuous and the same are disposed of as infructuous. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

kpl/tar

To

1.The Secretary to Education,
Government of Tamil Nadu,
Chief Secretariat, Rajaji Salai, Chennai.

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DPI Campus, College Road,
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Youth Welfare and Sports Development
Government of Tamil Nadu
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CA(CO)
GN(01/07/2020)