

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 12080 of 2020
& W.M.P.Nos. 14812 & 14814 of 2020

Balakrishnan Subramaniyan .. Petitioner

vs

1.The Directorate of Government Examinations
Rep. by its Director DPI Campus
College Road, Chennai 600 006.

2.The Government of Tamil Nadu
Rep. by Principal Secretary to Government,
Ministry of School Education, Fort St. George,
Secretariat, Chennai 600 009. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the 1st Respondent in Na.Ka. No. 127311/H.1/2019 dated 19.08.2020 and quash the same or in the alternative direct the 1st Respondent to declare all private candidates with disabilities pass in Class X by devising a mechanism to calculate the marks of private candidates with disabilities through means other than writing the Board Exams.

For Petitioner .. Mr.Yogeshwaran

For Respondents .. Mr.C.Munuswamy,
Special Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed as a public interest litigation challenging the proceedings of the first respondent dated 19.08.2020 and to order in the alternative, to declare all the private candidates with disabilities as passed.

2. Learned counsel appearing for the petitioner submitted that the students with Cerebral Palsy/Multiple Disabilities may not be in a position to wear mask or to have any access to the scribe in view of the pandemic situation. Therefore, the Government Order will have to be quashed insofar as these students are concerned or they should be declared as passed.

3. Learned Special Government Pleader placing reliance upon the Government Order in G.O.Ms.No.28, dated 10.02.2020 submitted that for the children with disabilities, a separate mechanism has been found out and the same would be followed scrupulously.

4. The Government Order relied upon by the learned Special Government Pleader per se may not be sufficient totally to deal with the situation. The present situation has arisen because of the spread of Covid - 19. The Government Order deals with the normal situation. However, we are conscious of the fact that all the children with disabilities cannot be treated alike. Each one will have a special need. The concern mainly is with respect to the scribe and wearing of the mask.

5. To resolve this problem, we direct the respondents to see to it that both the scribes and the private students with disabilities are put to Covid-19 test few days before the scheduled examinations. Further, steps will have to be taken to keep the social distancing. In such of those cases where wearing of masks is not advisable, alternative measures will have to be taken such as speaking over phone or by sitting at a distance which can be audible and understood by the candidates. We are only giving the suggestion by way of illustration.

6. We hope and trust that the respondents would take into consideration the relevant factors from the point of view of the safety of the private candidates with disabilities who are appearing for the examinations. We also record the fact that in view of the decision taken by the Government of Tamil Nadu, there may not be any difficulty in the students attending the examinations per se as the lockdown has been eased out.

7. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

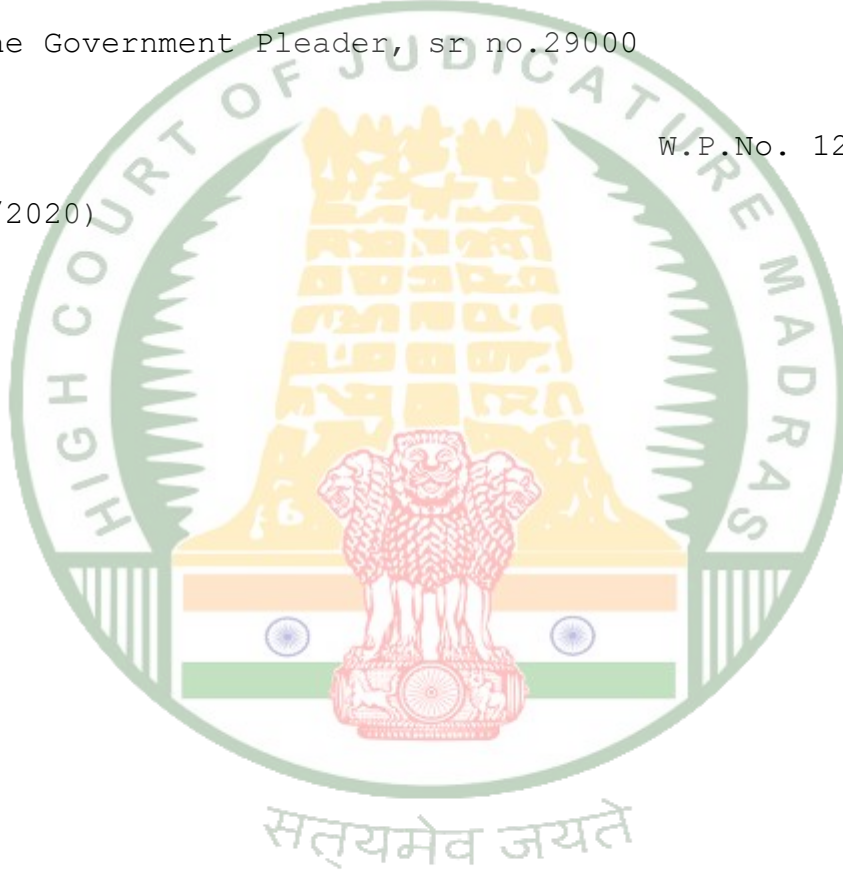
1.The Director DPI Campus
The Directorate of Government Examinations
College Road, Chennai 600 006.

2. The Principal Secretary to Government,
The Government of Tamil Nadu
Ministry of School Education, Fort St. George,
Secretariat, Chennai 600 009.

+1cc to The Government Pleader, sr no.29000

W.P.No. 12080 of 2020

RSV(CO)
RMP(15/09/2020)



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