

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.13297 of 2020

A.E.Sivaprakasam

...Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Director of School Education,
Directorate of School Education,
Chennai-6.
3. The Directorate of Government Examinations,
Directorate of Government Examinations,
Chennai-6.
4. State Board of School Examinations (Hr. Sec.)
Tamil Nadu,
Rep. By its Member Secretary,
Chennai-6.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to declare the petitioner's son A.S.Gokulkannan, with Exam Roll No.3704045 and permanent Register No.1843684878 as 'PASS' in the examination, to the subject of Chemistry with subject code No.107 of 1st year of Higher Secondary, scheduled in March 2020, as per the declaration made in G.O.No.54, School Education (Government Examination) Department, dated 09.06.2020 issued by the first respondent, within a reasonable period to be fixed by this Hon'ble Court and issue fresh mark sheet to the petitioner's son, enabling him to get admission to UG Course for the current academic year 2020-2021 without any delay.

For Petitioner : Mr.R.Neelakandan

For Respondents: Mrs.V.Annalakshmi
Government Advocate

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus directing the respondents to declare the petitioner's son as passed in the higher secondary examination in accordance with the G.O.No.54, School Education (Government Examination) Department, dated 09.06.2020.

2. The case of the petitioner is that his son is a private candidate and he applied for writing the Higher Secondary examination in three subjects, which were not earlier cleared by the petitioner's son. The petitioner's son appeared for the examination in two subjects viz., Mathematics and Biology and he was not able to appear for the third subject viz., Chemistry, since the examination was cancelled, owing to pandemic situation. The petitioner's son cleared both the subjects written by him. Now, the petitioner's son seeks to take the benefit of G.O.No.54, School Education (Government Examination) Department, dated 09.06.2020 and wants to be declared as pass in the subject, for which the examination was cancelled.

3. Mr.R.Neelankandan, learned counsel for the petitioner submitted that a plain reading of the Government Order does not differentiate between a private candidate and a candidate who wrote the examination from a regular school. Therefore, the petitioner is also entitled for the benefit under the G.O.

4. Per contra, Mrs.V.Annalakshmi, learned Government Advocate, appearing on behalf of the respondents submitted that the Government Order will not apply to a private candidate, who had failed in the earlier examination and was subsequently taking the examination in the failed subjects.

5. The learned counsel further submitted that the Government has already taken steps to conduct the examination on 07.10.2020 and the results will be published by the third week of October-2020.

6. In the considered view of this Court, the Government Order in G.O.No.54, School Education (Government Examination) Department, dated 09.06.2020, will apply only to those students who were not able to take the regular examinations due to the pandemic situation. The benefit under the G.O, cannot be extended to those students who had earlier failed in certain subjects and were taking up the examination subsequently in the failed subjects. The Government Order cannot be read to the extent that it will also apply to the students who had failed earlier. That is not the purport of the Government Order.

7. In view the above, the petitioner's son can always take up the examination in the remaining subject on the date fixed by the respondents, i.e. On 07.10.2020, and successfully, clear the paper.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Director of School Education,
Directorate of School Education,
Chennai-6.
3. The Directorate of Government Examinations,
Directorate of Government Examinations,
Chennai-6.
4. The Member Secretary,
State Board of School Examinations (Hr. Sec.)
Tamil Nadu,
Chennai-6.

+2cc to Mr.R.Neelakandan, Advocate in SR.NO..31172

+1cc to the Government Pleader in SR.NO..31274

सत्यमेव जयते

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SS(CO)

RV(23/11/2020)

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