



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.13610 OF 2021

Minor.J.John Alex
Rep. By Father and Natural Guardian
John Bosco

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort. St. George, Chennai - 09.
2. The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai - 06.
3. The Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 29.05.2021 and consequently direct the Respondents to extend the benefit of G.O.Ms.No.48 School education Department dated 25.02.2021 to the petitioner and declare him as passed class 10 through Private Study mode.

For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.U.Baranidharan
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner wherein the petitioner is



requesting for extending the benefits under G.O.Ms.No.48 School Education Department, dated 25.02.2021 and to declare the petitioner as passed in class 10 through Private Study Mode.

2. The case of the petitioner is that he was studying in a Matriculation School from 1st standard to 9th standard. The petitioner completed 9th standard in the year 2019. Thereafter, the petitioner dropped out of the school and was also issued a Transfer Certificate by the School. Thereafter, the petitioner opted for continuing the studies through Private Study Mode.

3. Due to the pandemic situation, a Government Order came to be passed in G.O.Ms.No.48, dated 25.02.2021, wherein, the Government decided to declare all students who were studying in the 10th standard as passed. A careful reading of this Government order shows that such a benefit will be available only for those students who are studying in the Government Schools or Private Schools. The same was not extended to those students who are studying 10th standard by Private Study Mode.

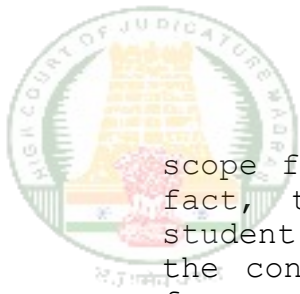
4. It is also seen from records that the petitioner had also participated in the 10th standard exams that was conducted in September, 2020 and out of 5 subjects, he had passed one subject and had failed in 4 subjects.

5. The Government decided to extend the same benefit in the year 2021 also and the petitioner wanted to take advantage of the benefit and hence made a representation to the respondents. Since the same was not considered, the present writ petition has been filed before this Court.

6. Heard Mr.C.Vigneswaran, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Government Advocate appearing on behalf of the respondents.

7. The issue involved in the present writ petition is squarely covered by the order passed by the Division Bench in W.P.No.11394 of 2020. The Division Bench was dealing with the issue as to whether the candidates who are studying through private mode can also be extended the benefit of a pass in view of the pandemic situation. The Division Bench held that the students who are writing the private examinations stand on a different footing and they cannot be extended with this benefit.

8. This Court also had the advantage of considering the scope of G.O.Ms.No.48, dated 25.02.2021 in W.P.(MD)No.8509 of 2021. While passing orders on 17.06.2021, this Court had found that it is a policy decision that was taken by the Government due to the pandemic situation and unless and otherwise a student fulfils the requirements of the Government Order, there is no



scope for extending the benefits to the other students also. In fact, the impugned Government Order contemplates declaring a student as passed only based on a nominal role that is issued by the concerned school. This itself shows that the precondition for availing the Government order is that the students must undergo the 10th standard in a school. A student who is undertaking a private study stands on a completely different footing and the Government Order cannot be extended to such a student.

9. In view of the above, this Court is not inclined to grant the relief as sought for by the petitioner and it is left open to the petitioner to write the exams and pass the 10th standard on merits.

10. Accordingly, this writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Secretary,
Department of School Education,
Fort. St. George,
Chennai - 09.
2. The Director of School Education,
O/o. The Director of School Education,
DPI Campus,
Chennai - 06.
3. The Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
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PCH(CO)
PBS/27/08/2021