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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.13807 OF 2021

AND

WMP.NOS.14657 AND 14659 OF 2021

Sri Sharada Vidya Mandir Matric Hr. Sec. School,
Rep. By its Correspondent M.Sampathkumar,
Opp. To Sub-Treasury,
Rayakotta Road,
Hosur, Pin-635 109.

... Petitioner

.Vs.

1. The Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
2. The Director of Government Examination,
DPI Campus, Nungambakkam,
Chennai - 6.
3. The Assistant Director of Government Examination,
Govt. Boys High School Campus,
Krishnagiri,
Krishnagiri District - 635 001.
4. The Chief Educational Officer,
Govt. Boys High School Campus,
Krishnagiri - 635 001.
5. The District Educational Officer,
Govt. Boys High School Campus,
Mullai Nagar,
Krishnagiri-635 001.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the fourth respondent made in Proceeding Na.Ka.No.0618/AA3/2021 dated 24.06.2021 and quash the same and consequently, direct the fourth respondent to forward a



positive recommendation to the third respondent to register Nominal Roll in EMIS regarding 28 students of petitioner institution is concern for Class X for the academic year 2020-21 as per list annexed with representation dated 24.06.2021.

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For Petitioner : Mr.D.Ramesh Kumar

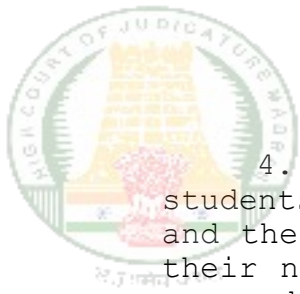
For Respondents : Mr.A.Selvendran,
Government Advocate
For R1 to R5

O R D E R

The petitioner school is running classes LKG to 12th standard and 94 students have been admitted to Class X for the academic year 2020-21 and had enrolled in EMIS, but 28 students details could not be uploaded in the respondent website i.e., <http://www.ege.tn.gov.in>. It is further stated by the petitioner that there are 70 students in the school for Class X for the academic year 2020-21 and for registering their names in the Nominal Roll (NR), the deadline was fixed on 25.02.2021. When the petitioner tried to upload the details in EMIS portal on 25.02.2021, the website pulled data for 66 students and the remaining 13 students details could not be uploaded and the same had been communicated to the Joint Director of Government Examinations, Chennai through the fourth respondent. The respondent has extended the time limit for Nominal Registration till 10.05.2021.

2. In the meantime, 15 students, who have left out from a private school in Kelamangalam Village had approached the petitioner school for admission to Class X and they have been given admission in the petitioner school and for 28 students, the petitioner has made attempts for Nominal Registration, but the respondents website did not pull the data of 28 students uploaded on the website. The petitioner, in this regard, has submitted a representation to the fourth respondent dated 11.05.2021, followed by a reminder date 16.06.2021 to the respondents 2 to 4 requesting them to make arrangements to register the remaining 28 students in Nominal Roll.

3. The third respondent has issued a communication dated 18.06.2021, directing the petitioner to furnish the details of 28 students and the petitioner has furnished the details of those 28 students with a request to protect the studies of 28 students, who are struggling with poor economic background, but the said documents were returned by the fourth respondent, vide order dated 24.06.2021 and challenging the same, the present writ petition has been filed.



4. The learned counsel for the petitioner submitted that 14 students were admitted in the petitioner school on 25.02.2021 and there is no impediment for the fourth respondent to register their names in the Nominal Roll, but it was not done so and the respondents have failed to take into consideration the plight of the students, who are hailing from poor economic background and continue their students and appear for the Class X examinations and therefore, the impugned order of the fourth respondent is arbitrary, illegal and discriminative and the same may be set aside and appropriate direction may be issued to the fourth respondent to consider the petitioner's request for registering the names/details of 28 students in the Nominal Roll for Class X for the academic year 2020-2021.

5. This Court, vide interim order dated 05.07.2021, has directed the third respondent to conduct an enquiry into the allegations against the petitioner School, based on the report submitted by the fourth respondent dated 25.06.2021 and submit a report before this Court. The Director of Matriculation Schools, Chennai-600 008, has submitted a detailed report and it is relevant to extract the following paras of the said report:

"9.It is submitted that upon perusing the written and oral submission made by the Chief Educational Officer, Krishnagiri, Superintendent, Office of the Assistant Director, Government Examinations and the Correspondent of Sri Sharada Vidya Mandir Matric Higher Secondary School, Hosur and scrutinizing the documents produced, the following facts are submitted before this Court:

The issue in hand is belated admission of students in X Standard in the petitioner's school.

- The Director of Government Examinations, vide Letter Rc.No.25639/A31/20201 dated 27.01.2021 gave instructions to all schools through the Chief Educational Officers concerned to register the names of students from 27.01.2021 to 06.02.2021 who are to write the 10th Standard Examination during the academic year 2020-2021 in the Education Management Information System (EMIS) Portal.
- Additional time was given from 12.02.2021 to 18.02.2021 and further extended from 24.02.2021 and 25.02.2021 considering some difficulty in the uploading process.



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- The petitioner's school, namely Sri Sharadha Vidya Mandir Matriculation School, Hosur has uploaded 66 candidates name into the EMIS portal, who were already enrolled in the school and going to write the 10th standard public examination.
- The Government have issued orders vide G.O. (Ms)No.48 School Education (GE) Department, dated 25.02.2021 declaring all pass for the students studying in 10th standard without conducting public examination for the year 2020-2021.
- The petitioner's school management has admitted 14 students in 10th standard on 25.02.2021 from Sharadha International School, Athepele, Karnataka State without any Transfer Certificate.
- They have further admitted 14 students from 21.04.2021 to 23.04.2021 studied in Sri Sharadha Matriculation School, Kelamangalam, Krishnagiri District without getting Transfer Certificate.
- The first set of 14 students who were studied in Sharadha International School, Athepele were left the school on 10.04.2020. They were admitted into the petitioner's school on 25.02.2021 without getting the Transfer Certificates which were stated to have been obtained on 09.10.2021.
- The second set of 14 students who were studied in Sri Sharadha Matriculation School, Kelamangalam were left the school on 16.03.2020. They were admitted into petitioner's school on 21.04.2021 to 23.04.2021 without getting their Transfer Certificates which was stated to have been obtained during August 2020.
- It is evident from the date of leaving from previous school that those two sets of 28 students were not studied 10th standard in any of the school during the academic year 2020-2021. They have not attended the minimum school days and remote online learning during the academic year 2020-2021.



6. A perusal of the aforesaid report of the Director of Matriculation Schools reveals that the petitioner school has violated the norms for admission for the academic year 2020-2021 and they have admitted 14 students in Class X on 25.02.2021 from Sharadha International School, Athepele, Karnataka State without any Transfer Certificate and admitted another set of 14 students between 21.04.2021 and 23.04.2021, who have studied in Sri Sharadha Matriculation School, Kelamangalam, Krishnagiri District, without getting Transfer Certificates and therefore, it is evident from the date of leaving from previous school that those two sets of 28 students have not studied 10th Standard in any of the schools during the academic year 2020-2021 and they have not attended the minimum school days and remote online learning during the academic year 2020-2021 and after a lapse of one year, they were admitted in the petitioner school and therefore the petitioner school has wantonly admitted students in the school after the issuance of Government Order for all pass for 10th standard students.

7. Considering all these factors, this Court is not inclined to show any indulgence and finds no merit in this writ petition. According to the learned counsel for the petitioner, one student by name S. Ilakiya was admitted in the petitioner school and having requisite attendance and relevant documents are also produced before the Educational Authorities. If that being so, the petitioner can make individual claim by producing necessary documents to the Chief Educational Officer/Fourth respondent, who shall consider the same and take appropriate decision.

8. This writ petition is dismissed with the above directions. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 9.



2. The Director of Government Examination,
DPI Campus, Nungambakkam,
Chennai - 6.
3. The Assistant Director of Government Examination,
Govt. Boys High School Campus,
Krishnagiri,
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5. The District Educational Officer,
Govt. Boys High School Campus,
Mullai Nagar,
Krishnagiri-635 001.

+lcc to Mr.D.Ramesh Kumar, Advocate, S.R.No.36309
+lcc to the Government Pleader, S.R.No.36232

W.P.NO.13807 OF 2021

PCH(CO)
PBS/17/08/2021