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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH., J

W.P.No.16492 of 2021
and WMP Nos.17462 & 17463 of 2021

K.Anbu Raja Kishore
(Aged 17 years) Respondents by
natural guardian and mother K.Anbumani

.. Petitioner

Vs

1. The Director of School Education,
DPI Campus, Chennai 600 006.
2. The Member,
State Board of School Examinations,
DPI Campus, Chennai 600 006.
3. The Joint Director (Personnel),
DPI Campus,
Chennai 600 006.
4. The Chief Educational Officer,
Virudhachalam Taluk,
Cuddalore District.
5. Jayapriya Vidyalaya Matricualtion Higher
Secondary School, Chidambaram Road,
Gopalapuram, Cuddalore

... 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 3rd respondent in Na.Ka.No.213842/P1/2021 dated 14.07.2021 and consequently, direct the respondents 1 to 3 to grant the petitioner with the 10th standard pass certificate for the academic year 2019-2020 or 2020 - 2021 by extending the benefit of GO Ms.No.54 dated 09.06.2020, G.O.Ms.No.48 dated 25.02.2021 within the time frame fixed by this Court.



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For Petitioner : M/s.Dakshayani Reddy
For Respondents : Mr.A.Selvendran
Government counsel for
R1 to R4

Mr.Anburaja
for R5.

O R D E R

This writ petition has been filed challenging the impugned letter dated 14.07.2021 issued by the 3rd respondent and for a consequential direction to the respondents to declare the petitioner as "pass" by extending the benefit of G.O.Ms.No.54 dated 09.06.2020 and G.O.Ms.No.48 dated 25.02.2021 and issue the 10th standard certificate for the academic year 2019-2020 or in the alternative for the year 2020-2021.

2. When the matter was taken up for hearing on 09.08.2021, this Court passed the following order:-

Mr.A.Selvendiran, learned Government Advocate, takes notice for respondents 1 to 4. Mr.Anbu Raja, learned counsel takes notice for 5th respondent. The only issue that requires an answer from the 5th respondent is as to whether the name of the petitioner was reflected in the nominal roll that was prepared by the 5th respondent. If this requirement is fulfilled, the earlier order passed by this Court in the connected writ petition in WP MD No.10241 of 2021 dated 17.06.2021, will squarely apply to the facts of the present case.

2. The learned counsel appearing for the 5th respondent seeks some time to take instructions and report before this Court. Post this case under the caption "for orders" on 18.08.2021.

3. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the 5th respondent school submitted that the petitioner hardly attended any class during June and July 2019. The learned counsel further submitted that due to the unauthorised absence, the petitioner was removed from the rolls of the 5th respondent school and therefore, the petitioner is not entitled for the benefit of the Government orders.

4. The learned counsel for the petitioner submitted that the petitioner suffered serious ailments and hence, he was



not able to attend the school regularly from August to October 2019. A medical certificate was also submitted to the 5th respondent school in this regard. Thereafter, the petitioner started attending school from November 2019 onwards and once again, fell ill from January 2020 and he was not able to attend the school. The Medical certificates were submitted from time to time to the school and the 5th respondent was informed about the ailments suffered by the petitioner.

5. The learned counsel further submitted that from March 2020 onwards there was a total lock down and hence, the State Government passed G.O.Ms.No.54 dated 09.06.2020 and cancelled the 10th Standard examination. All the students were declared to have been passed. The learned counsel therefore submitted that this Government order will also enure to the benefit of the petitioner. It was further submitted that even if the petitioner is not given this benefit for the academic year 2019 - 2020, atleast the benefit should be extended to the petitioner for the academic year 2020 - 2021 where the state Government took the same decision due to the continuance of the pandemic situation.

6. The learned counsel for the petitioner also submitted that the stand taken by the 5th respondent as if the petitioner was removed from the rolls, may not be right since the name of the petitioner was very much reflected in the EMIS and it was shown as if the petitioner was studying in +1. To substantiate this submission, the learned counsel for the petitioner relied upon Page No.7 of the typed set of papers.

7. The learned Government counsel appearing on behalf of the respondents 1 to 4 submitted that the petitioner will be entitled to the benefit of the Government Orders only if the name of the petitioner was reflected in the nominal roll maintained by the 5th respondent.

8. In the considered view of this Court, the stands taken by the 5th respondent as if the petitioner did not attend the school properly and therefore, was removed from the rolls during the academic year 2019-2020, may not hold water for the simple reason that the name of the petitioner was reflected in the EMIS ID No.331811055051911539 and it was shown as if the petitioner was studying +1 in the 5th respondent school. The relevant document is found at Page No.7 of the typed set of papers. This document by itself shows that the name of the petitioner was very much available in the nominal roll of the school. If it was not available, there is no reason for the 5th respondent school to have given the particulars of the petitioner, which was uploaded in the EMIS and shown as if the petitioner is continuing in the 5th respondent school and studying +1.



9. Insofar as the attendance shortage is concerned, it has absolutely no relevance when it came to declaring the student as passed both during the academic year 2019-2020 and the academic year 2020-2021. The only requirement for declaring the student as pass was that the name of the student must be in the nominal roll. This Court has found that the name of the student was forming part of the nominal roll. Therefore, automatically the petitioner will be entitled for the benefit under the Government order and will be entitled to be declared as pass.

10. In view of the above discussion, there shall be a direction to the Director of Government examination to issue the 10th standard pass certificate to the petitioner for the academic year 2019 - 2020 by extending the benefit of GO Ms.No.54 dated 09.06.2020 to the petitioner. This process shall be completed within a period of four weeks from the date of receipt of copy of this order. This writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Director of School Education,
DPI Campus, Chennai 600 006.
2. The Member,
State Board of School Examinations,
DPI Campus, Chennai 600 006.
3. The Joint Director (Personnel),
DPI Campus,
Chennai 600 006.
4. The Chief Educational Officer,
Virudhachalam Taluk,
Cuddalore District.



5. Jayapriya Vidyalaya Matricualtion Higher
Secondary School, Chidambaram Road,
Gopalapuram, Cuddalore.

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+1cc to M/s.Dakshayani Reddy, Advocate, S.R.No.42027

+1cc to the Government Pleader, S.R.No.41732

W.P.No.16492 of 2021

PMK (CO)
CT/06/09/2021