



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18369 of 2021 and W.M.P.No.19578 of 2021

E.A.Pradeep

...Petitioner

-Vs-

1. The Director
The Directorate of School Education
College Road, Nungambakkam
Chennai 600 006.
2. The Director
The Directorate of Government Examinations
DPI Complex, College Road, Nungambakkam
Chennai 600 006.
3. Chief Educational Officer
Pavazhakundur
Tiruvannamalai - 606 601.
4. The Director
School Education Department
Rina Road, Fort St.George
Chennai - 600 009.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records from the 2nd respondent vide press News dated 22.7.2021 inviting applications for supplementary examination from the private students and quash the same and consequently direct the Respondents to jointly and severally declare the petitioner all pass in this academic year 2020 - 2021 as like other students as notified as all pass.

For Petitioner : Mr.D.Murugan
For Respondents : Mr.U.Baranidharan
Government Advocate

O R D E R

This writ petition has been filed challenging the press news dated 22.07.2021 and for a consequential direction that the respondents must jointly and severally declare the petitioner as passed during the academic year 2020-21.



2. The case of the petitioner is that, he was studying in the 12th Standard during the academic year 2016-17. He wrote the examination and unfortunately he failed. Thereafter the petitioner made many attempts, but found it difficult to clear the 12th Standard examination. In the year 2020, the normal functioning of the entire country came to a grinding halt due to the intervention of the deadly Corona virus. Considering the extraordinary situation, the Government had to take a decision in the interest of the students who were pursuing 9th, 10th and 11th Standards and by virtue of G.O.Ms.No.48 dated 25.02.2021, all the students were declared as passed. Similarly, by virtue of G.O.Ms.No.76 dated 10.06.2021, the students who were studying in the 12th Standard were also declared as passed.

3. It was made very clear that, insofar as the students who have already failed, they have to write the supplementary examinations along with the students who are undergoing private study in the 10th and 12th Standards.

4. The grievance of the petitioner seems to be that, there was a recent press note wherein the Government took into consideration the peculiar problems faced by students who are differently abled and therefore decided to declare them as passed. The petitioner wants this to be extended to all the students who are in the marginalised section. Hence, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.D.Murugan, learned counsel for the petitioner and Mr.U.Baranidharan, learned Government Advocate appearing for the respondents.

6. In the considered view of this Court, the present writ petition is frivolous and there are absolutely no merits in the claim made by the petitioner. Declaring the students as passed considering the extraordinary situation is purely a policy decision of the Government. The students who have already failed cannot take advantage of the Government Order and they have to necessarily write the examination and clear it. On an earlier occasion, similar writ petitions were filed before this Court and this Court held that, unless and otherwise the students fall within the parameters fixed under the Government Order, they do not have a legal right to seek for the extension of the relief provided under the the Government Order to everyone across the board.

7. The petitioner has merely stated that he comes from a marginalized section of the Society. This ground raised by the petitioner does not put the petitioner in any advantageous position and he has to necessarily fall within the category of



students who have already written the 12th Standard examination and have failed. The petitioner seems to have resigned to the fact that he can never clear the 12th Standard examination, which he has been attempting from the year 2017 onwards. Therefore, he thought it fit that he can at least pass the 12th Standard by adopting this ingenious method of filing a writ petition before this Court. This Court does not exercise its jurisdiction under Article 226 of the Constitution of India and encourage mediocrity. Considering the fact that the petitioner is a student, this Court restrains itself from imposing exemplary costs in this case.

8. In view of the above discussion, this Court does not find any ground even to entertain this writ petition. Accordingly, the same is hereby dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Director

The Directorate of School Education
College Road, Nungambakkam
Chennai 600 006.

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3. Chief Educational Officer

Pavazhakundur
Tiruvannamalai - 606 601.

4. The Director

School Education Department
Rina Road, Fort St.George
Chennai - 600 009.

+1cc to the Government Pleader, S.R.No.44567

W.P.No.18369 of 2021

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NSK 27/09/2021