

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 22.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.33932 of 2017

D.Padmanaban

... Petitioner

Vs.

1. The Secretary, School Education Department,
Fort St. George, Chennai, Tamil Nadu 600009.
2. The Director of School Education, 17, College Road,
Thousand Lights West, Thousand Lights,
Chennai, Tamil Nadu 600009.
3. The Director of Matriculation Schools, PI Campus,
College Road, Chennai, Tamil Nadu 600006.
4. The Secretary, State Board of School Examination (Sec)
Chennai, Tamil Nadu.
5. K.G.Public Matric Higher Secondary school,
(K.G.Acadamy of Educational & Charitable Trust),
K.G. Public Matric School road, Pachapalayam,
Coimbatore 641 010. Respondents

PRAYER : Writ petition filed under Section 226 of the Constitution of India to issue a writ or order or declare in the nature of writ to declare that the petitioner studied in the 5th respondent school under regular course and not as private and direct the respondents 1 to 4 to correct the mark certificate as regular course and consequently direct the respondents 1 to 4 to take action against the 5th respondent school management for misleading the school students.

For petitioner : Mr.S.Saravanan

For respondents :Mrs.V.Annalakshmi,
Gov. Adv. (Edn) for R1 to R4

No appearance for R5.

ORDER

This writ petition has been filed for declaration
<https://hcservices.ecourts.gov.in/hcservices/> declaring that the petitioner studied in the 5th respondent

school under regular course and not as private and direct the respondents 1 to 4 to correct the mark certificate as regular course and consequently direct the respondents 1 to 4 to take action against the 5th respondent school management for misleading the school students.

2. The brief facts of the writ petition is as follows:

The petitioner had studied in the 5th respondent school under regular stream and he had obtained 90% attendance in the IX standard and 92% attendance in the X standard and he completed his IX standard in the academic year 2008-2009 and 10th standard in the academic year 2009-2010. He also completed his XII standard under regular stream in the academic year 2011-2012, however, in the mark sheet, it is mentioned as if the petitioner studied at privately. Not only to the petitioner, the 5th respondent issued mark sheet to the other students also likewise. Before writing examination, it was not intimated to the concerned students and parents and continuously the 5th respondent allowed the students to write examination only by privately. Hence this writ petition.

3. The petitioner has made two grounds in this writ petition. One is that though the petitioner studied under regular stream in the 5th respondent school, mark sheet was issued as if the petitioner studied as privately and hence seeks declaration to that effect. The another ground is that since the 5th respondent allowed their regular students to write examination only by privately, direction has to be given to the respondents 1 to 4 to take action appropriate against the 5th respondent school management for misleading the school students.

4. A perusal of the affidavit filed by the writ petitioner shows that the petitioner was studied in the 5th respondent school and he completed his X standard in the academic year 2009-2010 and completed his XII standard in the academic year 2011-2012. But the mark sheets issued to him shows as if the petitioner written examinations privately and not as the regular student of the 5th respondent school.

5. It is to be noted that the cause of action with regard to the above issue was arose in the year 2009-2010 itself. But, there is no whisper that any complaint was made by the petitioner or by his parents during that point of time in this regard. Further, after completing XII standard, the petitioner had also undergone to various courses. This writ petition was filed in the year 2017. After lapse of 7 years, the petitioner came up with the reliefs as sought for in this writ petition, which is not proper. Without resorting any such remedy and make any complaint to the concerned authority against the school management at the relevant point of time, now, this writ

petition has been filed before this court belatedly. Therefore, this court opines that the relief for declaration to declare that the petitioner studied in the 5th respondent school under regular course and not as private would not be considered on the ground of laches.

6. The other ground raised by the petitioner is that since the 5th respondent school management continuously allowing their regular students to write examinations privately, direction has to be given to the respondents 1 to 4 to take action against them. The contention of the petitioner cannot be entertained. If anybody aggrieved by the action of the 5th respondent, it is for them to file necessary representation before the appropriate forum to take action against the school management and by this writ petition, this court cannot pass any order.

7. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary, School Education Department,
Fort St. George, Chennai, Tamil Nadu 600009.
2. The Director of School Education, 17, College Road,
Thousand Lights West, Thousand Lights,
Chennai, Tamil Nadu 600009.
3. The Director of Matriculation Schools, PI Campus,
College Road, Chennai, Tamil Nadu 600006.
4. The Secretary, State Board of School Examination (Sec)
Chennai, Tamil Nadu.

+1cc to Mr.S.Saravanan, Advocate SR.No. 25141

+1 cc to Government Pleader Sr.No. 25337

W.P.No.33932 of 2017

ln (CO)

A.SK(22.06.2021)