



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.06.2021
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P(MD)No.8509 of 2021

S.Selvi Singamani ... Petitioner
versus

1. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai - 6.
2. The Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai - 6.
3. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
4. The Headmaster,
St. Joseph Higher Secondary School,
Keezhamudiman,
Ottapidaram Taluk, Thoothukudi District.
5. The Principal,
Sri Ambaal Vidyalaya CBSC School,
Ambaal Nagar, Vilatikulam,
Thoothukudi - 628 907.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the Respondents 1 to 4 to declare the petitioner's minor son, namely, Dinesh has passed out 10th standard from the 4th respondent School for the Academic Year 2020-2021 in pursuant to G.O.Ms.No.48, dated 25.02.2021 within the time stipulated by this court.

For Petitioner	:	Mr.S.M.Mohan Gandhi
For R1 to R3	:	Mr.M.Lingadurai, Government Advocate (Civil)
For R4	:	M/s.Amala
For R5	:	Mr.G.Radhakrishnan

ORDER

This writ petition has been filed for the issue of writ of mandamus, directing the official respondents to declare the son of



the petitioner as "passed" in the 10th standard examination for the Academic Year 2020-2021 in accordance with the Government Order made in G.O.Ms.No.48, dated 25.02.2021.

2. The case of the petitioner is that her son was studying in the 5th respondent School from 6th standard onwards. The petitioner wanted to take a Transfer Certificate from the 5th respondent School and get her son admitted in the 4th respondent School. It is stated that the 4th respondent School was willing to admit the son of the petitioner, however, the 4th respondent School insisted for producing the Transfer Certificate from the 5th respondent School by 25.02.2021.

3. The grievance of the petitioner is that when the Transfer Certificate was produced before the 4th respondent School, it was not accepted and thereby, the son of the petitioner was left in the lurch. Due to the pandemic situation, a policy decision was taken by the Government to declare as "passed" all students, who were studying in the 10th standard. The petitioner wants to take advantage of this Government Order and to get her son also declared as "passed". Hence, the present writ petition has been filed before this Court.

4. Heard Mr.S.M.Mohan Gandhi, learned counsel for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for respondents 1 to 3, M/s.Amala, learned counsel for the 4th respondent and Mr.G.Radhakrishnan, learned counsel for the 5th respondent.

5. A specific stand has been taken by the 4th respondent to the effect that the son of the petitioner was never admitted in the 4th respondent School and therefore, there is no question of declaring the son of the petitioner as "passed" in the 10th standard examination from the 4th respondent School.

6. The 5th respondent has taken a very specific stand to the effect that the son of the petitioner was given Transfer Certificate on 06.10.2020 and thereafter, there was no connection between the son of the petitioner and the 5th respondent School.

7. In the considered view of this Court, even as per the Government Order, a student will be declared as "passed" only based on the nominal roll issued by the concerned School. In the present case, the son of the petitioner ceased to belong to the 5th respondent with effect from 06.10.2020, when the Transfer Certificate was issued. Like wise, there is absolutely no material to show that the 4th respondent had admitted the son of the petitioner. Except for the *ipsi dixit* of the learned counsel for the petitioner that the 4th respondent agreed to admit the son of the petitioner, there is absolutely no material to come to a conclusion that the son of the petitioner was a student in the 4th respondent



School.

8. Under such circumstances, the nominal roll that was submitted by the 4th and 5th respondents obviously would not have contained the name of the son of the petitioner and hence, there is no question of extending the benefit under G.O.Ms.No.48 in favour of the son of the petitioner.

9. In the result, this Court is not in a position to grant the relief as claimed by the petitioner. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai - 6.
2. The Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai - 6.
3. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-19662[F] dated 18/06/2021)

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KB(24.06.2021) 3P 5C