



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.16901 of 2020

WEB COPY

T.Kumar

.. Petitioner

Vs

1.The Government of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Secretariat,
Fort St.George, Chennai 600 009.

2.The Director of School Education,
No.17, College Road,
Nungampakkam,
Chennai 600 006.

3.The Deputy Director of Government Examinations,
DPI Campus, College Road,
Nungampakkam,
Chennai 600 006.

.. Respondents

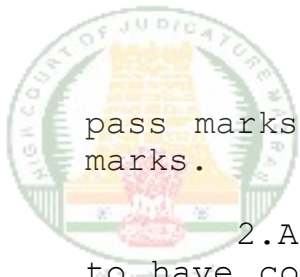
PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing Na.Ka.No. 232104/B1/2020 dated 11.11.2020 issued by the 3rd respondent and quash the same and consequently directing the respondents to conduct supplementary examination for the SSLC direct Private within a reasonable period as expeditiously as possible.

For Petitioner : Mr.K.Samidurai

For Respondents : Mrs.Lakshmi Prasanna
Government Advocate

ORDER

The case of the petitioner is that his son, namely, K.A.Akuleshwer has written the SSLC Public Examination privately during the academic year 2019-2020. He was issued with a hall-ticket for writing the SSLC examination as a private candidate, but due to the present pandemic situation, the examination was not conducted by the Government. However, it was decided to conduct the examination in June 2020, but in view of the continued spread of virus, the examination was not conducted in June 2020. Finally, the examination was conducted in September 2020 and the result was published in October 2020 and out of 5 subjects, the petitioner's son has secured



pass marks in 4 subjects and in Social Science, he had secured 15 marks.

2. According to the petitioner, normally, the Government ought to have conducted supplementary examination for the candidates, who had failed in the regular examination before starting the admission process for the following academic year, but in the present academic year, the Government had not conducted any supplementary examination, since the Board examination was conducted by the Government in September, 2020. In this regard, the petitioner has submitted a representation on 05.11.2020 to the 3rd respondent to conduct the supplementary examination for the private candidates. However, the 3rd respondent issued the impugned order dated 11.11.2020 stating that next examination will be conducted only during March in the next academic year 2020-2021. As against that order, the petitioner is before this Court.

3. It is the policy of the Government whether to conduct the supplementary examination or not at a particular point of time, which cannot be a subject matter of adjudication before this Court. Even otherwise, during the present pandemic crisis, the Government could not be in a position to conduct any supplementary examination, risking the life of the students, who have to appear in the examination privately. The Government in fact had taken several policy decisions during the present pandemic situation and the non conduct of the supplementary examination was one of the decisions taken by the Government in order to protect the interest of the students.

4. In the said circumstances, the rejection order passed by the 3rd respondent dated 11.11.2020 cannot be said to suffer from any infirmity or the reason could be challenged as if the same was passed as a colourable exercise of power. In any event, this Court is unable to appreciate as to how at the instance of one student among thousands of students, a direction could be issued by this Court for conducting the supplementary examination. In any event, the writ petition has been filed and taken up for hearing only in the month of 3rd week of February, 2021 and therefore, by passage of time, the relief as prayed for in the writ petition has lost its relevance.

5. For the above said reasons, the writ petition is liable to be dismissed as not maintainable and accordingly, it stands dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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To

1.The Government of Tamilnadu,
represented by its Principal Secretary,
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DPI Campus, College Road,
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+1 CC to M/s.K.SAMIDURAI, Advocate (SR-5747[F] dated 17/02/2021)

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RK (27.04.2021) 3P 5C