



WEB COPY

W.P.(MD)No.3093 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3093 of 2017

and

W.M.P.(MD)Nos.2462 & 2463 of 2017

The Correspondent
Holy Family Higher Secondary School,
Mukkutukal-629 151,
Kanyakumari District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education
Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 009.
- 3.The Director of Government Examinations,
DPI Centre, College Road,
Chennai-600 006.
- 4.The Joint Director of Government Examinations
(Higher Secondary)
DPI Centre, College Road,
Chennai-600 006.
- 5.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.
- 6.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order of the fourth respondent Joint Director of Government Examination in Na.Ka.No.227310/H8/22016, dated 02.12.2016 cancelling examination centre (code No.0231) of petitioner's school for conducting +2 Public Examination both theory and practical from the forthcoming Public Examination viz., March 2017 quash the same insofar the petitioner School is concerned.

For Petitioner : Mr.Ragadeesh Kumar
for Mr.T.Cibi Chakraborty

For Respondents : Mr.V.OM.Prakash
Government Advocate



O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

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2. The petitioner is a recognized and aided minority educational institution. It is administered by the diocese of Thuckalay. The school was started as primary school in the year 1969. It was upgraded as High School in the year 1989. It became High School in the year 1999. It is offering education upto 12th standard. The petitioner's school was recognized as an examination centre for conducting public examinations. The Director of Government Examination issued proceedings on 07.02.2005 and 13.02.2008 in this regard. Even though the said proceedings have not been cancelled and withdrawn till date, by the impugned communication dated 02.12.2016, a Joint Director of Government Examinations has cancelled the status of the petitioner's school as public examination centre for conducting public examinations. The said cancellation order is put to challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. The respondents have filed a detailed counter affidavit. The learned Government Advocate took me through its contents. According to the respondents, fresh guidelines have been issued to recognize the institution as an examination centre. According to the respondents, these guidelines have not been fulfilled in the instant case.

5. As rightly pointed out by the learned counsel appearing for the petitioner, these guidelines can be made applicable in respect of those institutions which apply afresh for being recognized as examination centre. The petitioner's School has already been recognized as an exam centre and therefore, the new guidelines cannot be applied in the case of the writ petitioner. That apart, when the Director of Government Examinations has granted permission in favour of the petitioner recognizing it as an examination centre for conducting public examinations and when the said proceedings have not been cancelled, it is not open to the fourth respondent who is a subordinate authority to cancel the status of the petitioner. Thus, on the very face of it, the order of the fourth respondent is without jurisdiction.

6. More than anything else, it is only just and proper that the students of the petitioner's School write the public examination in the school campus itself. The Government cannot make the children to go to a far off centre for the purpose of writing an examination. Therefore, looked at from any angle, the order impugned in the writ



petition suffers from not only lack of jurisdiction but also unreasonableness. It stands quashed. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Secretary,
Department of School Education
Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 009.
- 3.The Director of Government Examinations,
DPI Centre, College Road,
Chennai-600 006.
- 4.The Joint Director of Government Examinations
(Higher Secondary)
DPI Centre, College Road,
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- 5.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.
- 6.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-25445[F] dated 13/06/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-25536[F] dated 14/06/2022)

W.P. (MD)No.3093 of 2017

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