



WP (MD) No.3807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP (MD) No.3807 of 2023

B.Ramkumar Adityan

...

Petitioner

versus

1.Principal Secretary,
Department of School Education,
Government of Tamil Nadu,
Secretariat, Chennai 600 009

2.Commissioner of School Education,
Directorate of School Education, DPI Complex,
College Road, Chennai 6

3.Secretary,
State Board of School Examinations,
College Road, Chennai 6

...

Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to withdraw marksheet issued to class X of the 2020-21 batch students without any marks and issue fresh mark sheet to all the students of Class 10 of 2020-21 batch students with marks as requested in the representation dated 02.01.2023 of the petitioner in the interest and future of students.

For the Petitioner : Mr.Sankar Shanmugham

For the Respondents : Ms.R.Anitha,



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Special Government Pleader,
for respondents 1 to 3
ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed praying for a Writ of Mandamus directing the respondents to withdraw the mark sheet issued to class X of the 2020-21 batch students without any marks and issue fresh mark sheet to all the students of Class X of 2020-21 batch students with marks, as requested in the representation dated 02.01.2023 of the petitioner, in the interest and future of students.

2. Learned Advocate-General, appearing for the respondents submitted that the present writ petition ought not to have been filed since the issue has already been considered and negatived by this Court in the judgment in WA No.955 of 2022 (***Nakshatra Bind vs. Principal Secretary, Education Department and others***) dated 26.04.2022, wherein this Court has clearly held that marks can be awarded in case of examination where performance of student is assessed but cannot be in a case where no examination was conducted. This Court has also specifically held that submission of learned counsel for the petitioner cannot be accepted for the reason that CBSE is a different examination Board and their decision cannot mandate the State Government to change its policy decision and more specifically to award the marks without an examination which otherwise would not be appropriate. The Court observed that it is not only



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the State of Tamil Nadu but many States have taken similar decision not to insist the students to appear in the examination during the course of Covid-19 pandemic. Therefore, when the petitioner's plea has already been considered and rejected by the Division Bench of this Court, this writ petition, filed for similar prayer is misconceived.

3. The writ petition fails and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
01.03.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The Principal Secretary,
Department of School Education,
Government of Tamil Nadu,
Secretariat, Chennai 600 009

2.The Commissioner of School Education,
Directorate of School Education, DPI Complex,
College Road, Chennai 6

3.The Secretary,
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College Road, Chennai 6



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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