



W.P(MD)No.3285 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3285 of 2023

and

W.M.P.(MD)No.3040 of 2023

Meenakshi Matriculation Higher Secondary School,
Rep. By its Principal,
Narasinganallur Road,
Pettai-Tirunelveli,
Tirunelveli District.

... Petitioner

Vs.

1.The Director of Government Examinations,
Directorate of Government Examinations,
DPI Campus,
Chennai.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his



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proceedings in ந.க.எண்.100160/பி3/2023, dated 06.02.2023 and quash the same as illegal and consequently to direct the first respondent to recognize the petitioner school as an examination centre for SSLC Public examination within a period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmalkhan
Senior Counsel
for M/s.Ajmal Assocaites

For Respondents : Mr.T.Ajmalkhan
Government Advocate

ORDER

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

2. The writ petitioner is a recognized matriculation higher secondary school. As many as 139 students are studying in the 10th standard. They have to write the board examination shortly. The petitioner made a request to the education department that their school can be declared as a centre for writing the public examination. Since the request made by the petitioner was not considered, they filed W.P.(MD)No.1625 of 2023. This Court vide order dated 31.01.2023 disposed of the same in the following terms:-

“2. The writ petitioner is a Matriculation Higher Secondary School. The learned Senior Counsel states that the petitioner school has more than hundred



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students (139 students) are take part in the public examination for SSLC to be held on 06.04.2023. The specific stand of the petitioner is that the students have to go to another school by name Municipal Girls Higher Secondary School, Pettari, Tirunelveli District where the infrastructure facilities are said to be lacking. The topography of the said centre is also adversely commented upon.

3. The learned Special Government Pleader appearing for the respondents submits that a proposal has already been submitted by the second respondent before the first respondent in this regard. The first respondent is directed to pass order on the proposal to declare the petitioner school as centre for SSLC examination. Such a decision will be taken by the first respondent within three weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs.”

Pursuant to the direction given by this Court, the impugned rejection order came to be passed. Challenging the same, the present writ petition has been filed.

3. The learned senior counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondents have filed a detailed counter affidavit and the learned Government Advocate took me through its contents.



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5. The learned Government Advocate submitted that the impugned order does not warrant interference as it is in consonance with G.O.(1D).No.602, School Education (G.E-1) Department dated 11.10.2017. He pressed for dismissal of the writ petition.

6. I carefully considered the rival contentions and went through the materials on record.

7. In Paragraph No.11 of the counter affidavit, it has been stated that all the pre-examination tasks such as preparation of nominal rolls and printing of top sheets relating to the impending public examination have already been completed.

8. I therefore sustain the stand of the learned Government Advocate that no relief can be granted to the petitioner in respect of the impending public examination. The question that arises for consideration is whether the petitioner school can be declared as centre for writing public examination atleast for the students of the petitioner school from the next academic year. Of-course, G.O.(1D).No.602, School Education (G.E-1) Department dated 11.10.2017 contained a clause that a new exam centre can be set up for the



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students if they have to travel at a distance of 10kms to write the public examination. But this is only a G.O and it cannot be elevated to the status of a statutory rule. The terms of the G.O cannot be understood as mandatory. In any event, the said clause will not apply if it is shown that the existing centre is not all that suitable or convenient. A photograph of the existing centre has been enclosed in the typed set of papers. It has been categorically asserted in the affidavit that the said school is located in a highly congested locality. As many as 300 students will be writing the public examination. Out of 300 students, 139 students are from the petitioner school. It appears that even the bicycles and two wheelers of the students or the parents cannot be parked outside the school building. The school building does not even appear to have a vacant ground inside its campus. It is also stated that between the petitioner school and the existing centre, there is a railway line crossing. The petitioner's senior counsel would state that if due to certain reasons, the railway gate is closed, then, the students will be put to great anxiety and stress. Of-course, the existing centre has been functioning as centre for the past several years. Merely because a particular centre has been used for the purpose of writing public examination for certain number of years, that cannot necessarily lead to inference that it is suitable or appropriate.



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9. Considering the congested locality in which the existing centre is located and the inconvenience faced by the students, the petitioner school can be declared as centre for writing the public examinations atleast for the students who are studying in the petitioner school. This Court has also taken into account the psychological aspects. The number of students is fairly large and it would be in the fitness of things if they can write the examination in a familiar ambience. To this extent, the impugned order is set aside. The first respondent is directed to recognize the petitioner school as an examination centre for SSLC public examination from the next academic year onwards.

10. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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