



W.A.(MD)No.136 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.A.(MD)No.136 of 2023

and

C.M.P.(MD)No.1777 of 2023

- 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.



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5.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.

6.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

... Appellants

Vs.

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

... Respondent

PRAYER : Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD)No.3093 of 2017, dated 10.06.2022.

For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader

For Respondent : Mr.Ragatheesh Kumar



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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal is directed against the order made in W.P.(MD)No.3093 of 2017, dated 10.06.2022.

2. It is the case of the appellants that the respondent / writ petitioner school is a partially self financed school and recognized as an examination centre for conducting public examinations. Thereafter, the Joint Director of Government Examination cancelled the examination centre for Higher Secondary Examination from the year March 2017 in an order dated 02.12.2016, vide proceedings in Na.Ka.No.227310/H8/2016, due to insufficient number of students and due to the lack of required basic facilities. Aggrieved by the aforesaid order, the first respondent / writ petitioner has filed a writ petition before this Court in W.P.(MD)No.3093 of 2017 and this Court by order dated 10.06.2022, allowed the writ petition and permitted the respondent / writ petitioner school to conduct public examinations. As against the said order, the appellants have filed this Writ Appeal.



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3. The primordial contention of the learned counsel appearing for the appellants that fresh guidelines have been issued to recognize the institution as an examination centre and the respondent / writ petitioner school has not complied with the conditions prescribed in the said guidelines and therefore, the Joint Director of Government Examination cancelled the examination centre for Higher Secondary Examination. The said aspect has not been considered by the learned Single Judge in proper perspective. Hence, the order of the learned Single Judge warrants interference.

4. The learned counsel appearing for the respondent / writ petitioner school submitted that the third appellant viz., the Director of Government Examinations is the competent authority to pass the impugned order, but the order impugned in the Writ Petition was passed by the 4th appellant viz., the Joint Director of Government Examination and on this ground, the Writ court has rightly set aside the order passed by the 4th appellant. Hence, the order of the learned Single Judge does not warrant interference.



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WEB COPY 5. We have heard the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the records, it is seen that the order impugned in the writ petition was passed by the Joint Director of Government Examinations. As rightly contended by the learned counsel appearing for the respondent / writ petitioner that the Director of Government Examinations is the competent authority to issue orders regarding the examination centres and therefore, we confirm the findings of the writ Court with regard to the said aspect. However, with regard to grant permission to write the public examination is concerned, we are of the view that the said findings requires interference. Therefore, we remit the matter back to second appellant for considering the case of the respondent / writ petitioner school afresh. The respondent / writ petitioner school is directed to make a representation along with all the relevant records to the second appellant within a period of one week from the date of receipt of a copy of this order. After receipt of the same, the second appellant shall consider the same and pass appropriate orders, after giving opportunity to the respondent / writ



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petitioner school within a period of two [2] weeks from the date of receipt of such representation.

7. To that extent, this Writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
16.02.2023

NCC : Yes / No
Index : Yes / No
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