



W.P(MD)No.908 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.908 of 2024

M.Meenakshi

... Petitioner

-Vs-

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Child Protection Unit,
rep. by its Chairman,
Madurai District,
Madurai.
- 3.The Chief Education Officer,
Madurai District,
Madurai.
- 4.The District Education Officer (Private),
Madurai District,
Madurai.
- 5.The Principal
Sri Aurobindo Mira Universal School,
Keelamathur,
Madurai District – 625 234.



W.P(MD)No.908 of 2024

6.The Regional Officer,
Central Board of Secondary Education (CBSE),
New No.3, Old No.1630A,
J, Block 16th Main Road,
Anna Nagar West,
Chennai – 600 040.

7.The Controller of Examination,
Central Board of Secondary Education (CBSE),
New No.3, Old No.1630A,
J, Block 16th Main Road,
Anna Nagar West,
Chennai – 600 040.

(R6 and R7 are impleaded vide Court order
dated 18.01.2024 made in WMP(MD)No.1085/2024)

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondent 1 to 3 to take appropriate action against 5th respondent school management for mentally harassing the petitioner's son Arjun Sriram and direct the respondent Nos. 3 and 5 to permit the petitioner's son Arjun Sriram to attend 12th standard the Practical Exam and Public Examination in the year 2024 by considering the petitioner's representation dated 02.01.2024.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.P.T.Thiraviyam
Govt. Advocate (for R1 to R4)

Mr.K.Ragatheeshkumar for
M/s Isaac Chamber (for R5)

Mr.K.Govindarajan
Standing Counsel (for R6 and R7)



W.P(MD)No.908 of 2024

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ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the respondent 1 to 3 to take appropriate action against 5th respondent school management for mentally harassing the petitioner's son Arjun Sriram and direct the respondent Nos. 3 and 5 to permit the petitioner's son Arjun Sriram to attend 12th standard, the Practical Exam and Public Examination in the year 2024, by considering the petitioner's representation dated 02.01.2024.

2. The learned counsel for the petitioner would submit that the petitioner's son, namely, Arjun Sriram is studying 12th Standard in the 5th respondent school. When his son was admitted in the said school in 11th Standard, he had paid Rs.1,10,000/- as Admission Fees without receipt and the same was paid in installment basis. Her son was passed with good marks and is continuing 12th Standard from June 2024. Now, when the petitioner tries to pay the fees, the 5th respondent school did not receive the same and demanded to pay Rs.1,16,000/- as single payment. In December 2023, the fifth respondent school did not allow her son to write the revision



W.P(MD)No.908 of 2024

test. While so, on 01.01.2024, the fifth respondent sent a communication letter to the petitioner stating that her son had ineligibility for board examination due to insufficient attendance. Hence, the petitioner sent a representation to the respondents 1 to 4, however, no action was taken against the fifth respondent school. Therefore, the petitioner has filed the present writ petition seeking the above said relief.

3. The learned counsel appearing for the fifth respondent school would submit that though the academic session commenced on April, 2023, the petitioner's son had attended only 6 days out of 20 days. After the summer vacation, the regular classes commenced from the first week of June, 2023, however, the petitioner's son has not attended the classes. When the fifth respondent school contacted the petitioner over phone to request her to send her son to the class regularly, there was no response from her. The petitioner's son had attended only 24 days out of 167 days. He would further submit that as per the instructions of the respondents 6 and 7/CBSC, the school had to communicate the attendance details of the students who are going to take part in the final 12th Grade Examination by the end of December 2023. Hence, on 20.12.2023, the fifth respondent school had



W.P(MD)No.908 of 2024

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sent a communication to the respondents 6 and 7/CBSC intimating the lack of attendance of the petitioner's son and his ineligibility to take part in the final examination, as he has not completed the project and record works. He would further submit that if the petitioner's son redo the course, he will attend the examination. Apart from that, there is no chance.

4. The learned counsel for the respondents 6 and 7/CBSC would submit that as per the eligibility criteria mentioned in the notice dated 05.09.2023, the petitioner's son cannot write the examination even as a private student. If the petitioner's son wants to write the examination as a private candidate, the attendance is necessary. Hence, the learned Standing Counsel prays for dismissal of this writ petition.

5. It is seen that though the fifth respondent school has sent notices to the petitioner regarding the issue of attendance of her son, she has not taken any steps at that stage. Further, in the notice dated 05.09.2023, in Annexure - I, the eligibility to apply as private students for Senior School Certificate Examination (Class XII) has been mentioned, which reads as follows:-



W.P(MD)No.908 of 2024

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To

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W.P(MD)No.908 of 2024

V.BHAVANI SUBBAROYAN, J.

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