
(1995) 03 AP CK 0062

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 1389 to 1393 of 1994

Board of Governors, Hyd. Public School

APPELLANT

Vs

P. Rajender and others

RESPONDENT

Date of Decision : 22-03-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1995 AP 316 : (1995) 2 ALD 449 : (1995) 2 ALT 778 : (1995) 2 APLJ 190 : (1995) 1 APLJ 468

Hon'ble Judges : S.R. Nayak, J;Lingaraja Rath, J

Bench : Division Bench

Advocate : SC, for Hyd. Public School and A. Gopal Reddy, for the Appellant; V. Pattabi, Govt. Pleader, for Education, for the Respondent

Judgement

Lingaraja Rath, J.—In all these cases the common Judgment passed in the different Writ Petitions out of which these appeals arise, is assailed.

2. The question that arises for consideration is, the direction of the learned single Judge, while taking exception to the admission process evolved by the appellants of selecting candidates for admission at Class I stage through lottery system, to evolve and adopt a fair and reasonable method of selection in public interest, from the academic year 1995-96.

3. Submitting on the case on behalf of the appellants, it is the argument of Mr. V. Venkata Ramanaiah, that the School has adopted the method of determining the eligibility of candidates for admission on the basis of a basic test in English and Mathematics and once the eligible candidates are identified, the admission is conducted on the basis of lottery and all the eligible candidates are considered. The process was challenged by different groups of parents before this Court in the different Writ Petitions. The learned single Judge held the selection of candidates for admission through lottery to be inherently arbitrary as treating unequals as equals and the selection to be without any objectivity.

4. Assailing the Judgment, the only submission urged by Mr. V. Venkata Ramanaiah is that the lottery process of admission has been adopted on the basis of the recommendations of the National Council for Educational Research and Training. It is explained that it is the growing development of thought in educational psychology that children at the primary stage and Nursery stage should not be subjected to any evaluation method for the purpose of admission as it is seen that because of the existence of such tests, children are subjected to grueling and rigorous preparation which takes away their freedom and often the students, who are unable to secure admission, are affected psychologically because of the rejection. For such reason only a basic test is conducted to broadly find out an eligible group of students and thereafter the lottery is conducted in the presence of eminent persons to pick up the students who are to admitted.

5. Refuting such statements, it is on the other hand submitted for the respondents that in fact a grueling test was for the so called eligibility test and that the students were made to answer 7 sheets of papers of which 4 relate to English and the other 3 relate to Mathematics with the total time limit set at one hour. A copy of the syllabus for the test was made available to us to show the type of questions that were contemplated to be set.

6. The recommendations of the National Council for Educational Research and Training, on which strongest reliance is placed for the appellants, was forwarded to the Director, State Council of Educational Research and Training, Andhra Pradesh, in the letter of NCERT, dated June 3, 1994. The recommendations, as we find, states that admission tests should be abolished at the early childhood stage since they lack scientific, predictive validity and only serve to create trauma and tension for the child prior to the test and in most cases an experience of rejection after the test, which can have detrimental effects on the child's personality development. The recommendation clearly devoted itself to two stages of child education; the first being to the Nursery or the pre-primary stage and the second being the primary or the Class I stage. The minimum age for entry to the pre-primary stage was recommended to be 3 1/2 years and for Class I as 6 years. A reading of the Recommendations shows it to be preeminently connected with the pre-primary stage and in that context the recommendations for abolition of the Tests and resorting to computerized random selection, and quota based randomized selection, interview of parents etc., to be related to the pre-primary stage. In the very same letter, some alternatives to the admission test was also forwarded which opens with the question posed, as to why children today are made to undergo admission test and interview at the young age of 3 to 4 years when they do not even know what they are required to perform. The ills of the tests have been stressed in only with regard to the two-year olds and the pre-primary education stage. During the course of arguments, Mr. V. Venkata Ramanaiah, also handed over to us the Booklet with the caption "Learning without Burden" being the Report of the National Advisory Committee appointed by the Ministry of Human Resource

Development published by the Government of India, Ministry of Human Resource Development, Department of Education, New Delhi, in which at paragraph 5(a) of the recommendations, it is stated thus:

"The practice of holding tests and interviews for admission to nursery class be abolished."

On the materials , the recommendation was for abolition of the admission test and interviews at the nursery class stage. It is however the submission of Mr. V. Venkata Ramanaiah that as the mental make up of pre-primary and primary standard boys and girls are the same, the same considerations as are applicable to the nursery students should also apply to the primary students. We are unable to agree, since to hold as such would be calling upon us to decide, almost as experts, as to the mental capabilities, receptivity, adaptability etc., of a child of 6 years of age. We would also be called upon to equate a nursery standard student with that of 6 years old boy or girl. Without adequate material like studies conducted in the matters, we find ourselves unable to reach such conclusions. The appellants themselves seem to have reached such, conclusions without any supportive material for the purpose. From the papers itself, it appears that in some schools, the admission test is being carried on for admission at the pre-primary stages. That taking a decision through lottery is inherently arbitrary and discriminatory, cannot be denied, but, whether such a process is capable of being adopted, in special circumstances, for admission into educational institutions at the primary stage, is a matter for which conclusion there must be proper research and study. Without recourse to such studies, a blanket of adoption of the lottery method would undoubtedly expose the admission to the charge of arbitrariness and discrimination, a position to which Mr. V. Venkata Ramanaiah frankly concedes. In that view of the matter, we do not find any justification to interfere with the Judgment under appeal, for which these appeals are dismissed as having no merit. No order as to costs.

7. Appeals dismissed.