

(2023) 03 KAR CK 0084

In the Karnataka High Court

Case No : Writ Appeal No. 363 Of 2023 (EDN-RES)

Director (Exams) Karnataka Secondary Education
Examination Board Malleshwaram Bengaluru ? 560003 &
Others

APPELLANT

Vs

Ravishankar & Others

RESPONDENT

Date of Decision : 30-03-2023

Acts Referred:

Citation : (2023) 03 KAR CK 0084

Hon'ble Judges : Prasanna B. Varale, CJ;M.G.S. Kamal, J

Bench : Division Bench

Advocate : S.S. Mahendra

Final Decision : Dismissed

Judgement

M.G.S. Kamal J

1. This Writ appeal is against the order dated 27.02.2023 passed in W.P.No.918/2023 (EDN-RES) in and by which the learned Single Judge while allowing the writ petition has directed the respondent No.2-school (respondent No.3 in the writ petition) to permit the son of the respondent No.1/petitioner namely, Master.Yugal Kishore Ravishankar to continue his studies of 10th standard for which he was admitted under Sanskrit, English and Hindi as first, second and third language and to take up the ensuing examination scheduled to commence from 31.03.2023 by accepting the examination fee as a special case and has further directed the respondent No.2-School to impart him the education for 10th standard for which he was admitted with the aforesaid languages. The respondent No.2-school has also been directed to issue Admission Card/ Hall Ticket for the ensuing examination scheduled to commence from 31.03.2023 and to announce the results thereafter.

2. Facts briefly stated are that respondent No.1/petitioner had changed the school of his son Master Yugal Kirshore Ravishankar who was studying in 9th

standard during 2021-22 in BGS World School, Mahalakshmiipuram, Bangalore having Central Syllabus with Hindi, English and Sanskrit as first, second and third languages respectively to respondent No.2-school having State Syllabus with languages Sanskrit, English and Hindi as first, second and third languages during the academic year 2022-23. This required for him to obtain permission from the concerned authorities by paying requisite fee. That he had paid the fee and obtained permission from the authorities. Having given the permission as sought for, the authorities are now declining to permit the son of the petitioner to take up 10th standard examinations on the premise that he should take up the Kannada language as one of the third language, failing which he would not be permitted to take up the exam. This constrained the respondent No.1/petitioner to approach this Court by filing the aforesaid writ petition.

3. The said writ petition was resisted on behalf of the State by filing detailed statement of objections contending inter alia that though son of the petitioner had opted Sanskrit, English and Hindi as first, second and third language, the respondent No.2-School and appellant No.2-Deputy Director, had accorded permission on a condition that he should follow syllabus prescribed by the State by pursuing the Kannada language as one of the three languages in the 10th standards. That it was not open for the son of the petitioner to take up only the Sanskrit, English and Hindi as the first, second and third languages without Kannada, which is a compulsory language even as per the Rules prescribed under the Karnataka Secondary Education Examination Board.

4. After hearing the rival contentions of the parties, learned Single Judge allowed the writ petition by the impugned order with directions as noted hereinabove. Being aggrieved by the same, the appellant/State is before this Court.

5. Sri. S.S.Mahendra, learned Additional Government Advocate appearing for the appellants reiterating the grounds urged in the memorandum of appeal submits that the Karnataka Secondary Education Examination Board Act, 1966 and Regulation No.25 of Annexure-III (Rules and Scheme of the Karnataka Secondary Education Examination), mandates Kannada language should be compulsorily selected as one of the languages either as first, second and third language.

6. He contends that there cannot be any relaxation of this regulation as the son of the petitioner had opted to join the respondent No.2-school knowing well that Kannada language has to be compulsorily selected. He submits that the son of the petitioner had in fact made payment of fee in respect of Kannada language as seen from Consolidated Nominal Roll for SSLC Examination 2023 produced at Annexure-R6, wherein at Sl.No.116 name of the son of the petitioner is shown who have paid fee in respect of Sanskrit, English, Kannada, Mathematics, Science and Social Science as the subjects. He further points out that though permission was accorded by the Deputy Director, Department of Public Instructions permitting the son of the petitioner to be admitted in the State syllabus at the respondent No.2-school, the same was subject to condition of he

selecting the language Group in the State Syllabus. Thus, he submits that in view of the aforesaid factual aspect of the matter, the impugned order passed by the learned Single Judge requires interference as the same has far reaching consequences if allowed to be sustained. Hence, seeks for allowing of the appeal.

7. Heard. Perused the records.

8. This is an unfortunate situation as seen from the records, for no fault of the student in question, has put him in an unwarranted ordeal. As seen at Annexure-A a letter dated 22.04.2022 has been issued by the respondent No.2-Vidya Bharathi English School addressed to the Deputy Director, DDPI (North), K.G.Road, Bengaluru the appellant No.2 herein informing him that Master.Yugal Kishore Ravishankar has been admitted to 10th standard in their school for the academic year 2022-2023 and that as he studied 9th standard in BGS School with ICSE Syllabus, the school had suggested him to study Sanskrit, English and Hindi as first, second and third languages. Having stated so, the school has sought for permission to opt above subjects. In response to the said letter, a memorandum dated 16.05.2022 as per Annexure-C was issued by the Deputy Director, Administration, Bangalore North District according permission to the respondent No.2-school to admit the son of the petitioner by taking up Sanskrit, English and Hindi as first, second and third languages. Though it is contended by the learned Additional Government Advocate that the said permission was subject to a condition, namely, that it is the responsibility of the Head Master of the School to ensure that the selection of language by the student is inconsonance with the State Syllabus. Thus, based on the aforesaid condition found at memorandum dated 16.05.2022, learned Additional Government Advocate emphatically submits that petitioner cannot claim any relief as he is aware of the condition imposed while according permission for his admission.

9. Further, learned Additional Government Advocate drawing attention of this Court to Kannada language Learning Act, 2015 wherein Kannada language is made mandatory for all classes in the State of Karnataka and also drawing attention of this Court to the Karnataka Secondary Education Examination Board Act, 1966 and Rules and Regulations and Bye-laws where Regulation No.25 providing the Kannada language to be compulsorily selected as one of the languages either first, second and third language, insist that the impugned order runs contrary to the aforesaid statutory provisions requiring interference.

10. We are unable to accept the aforesaid submission of learned Additional Government Advocate in the light of the fact that the permission to admit the son of the petitioner to the 10th standard for the academic year 2022-2023 has been accorded by the none other than the Deputy Director, Department of Public Instructions, Government of Karnataka specifically taking note of the fact that the respondent No.2-school had sought permission to admit him with Sanskrit, English and Hindi as first, second and third languages respectively. It cannot be expected that the authority none other than Deputy Director, Department of Public Instructions, not to be aware of the statutory provisions now pressed in

service by the learned Additional Government Advocate while issuing the said permission. Equally the respondent No.2-school cannot be expected to be unaware of this mandatory requirement of Language Policy. The respondent No.2-school and the Deputy Director, Department of Public Instructions having issued the communication/ memorandum referred to above permitting the son of the petitioner to take up admission in the 10th standard for the academic year with specific languages namely, Sanskrit, English and Hindi as first, second and third languages cannot be permitted now to turn around at the fag end of the academic year to contend that the son of the petitioner would not be allowed to take up examination without the Kannada language as one of the options. Their representation and act of according permission as noted hereinabove estops them from taking up such stands.

11. The reference to payment of fee as found at Consolidated Nominal Roll for SSLC main examination 2023 is of no avail in the absence of any material to show that the son of the petitioner had indeed consciously made a choice to take up Kannada as one of the languages and had paid fee thereof. On query in this regard by this Court, learned Additional Government Advocate pleads ignorance of any such material.

12. The aforesaid facts situation of the matter would lead irresistible conclusion that no fault can be found either with the petitioner or his son in getting admitted with the respondent No.2-school. As taken note of by learned Single Judge, had respondent No.2-school and the Deputy Director rejected to accord the permission for admission as sought for, this unfortunate situation would not have arisen. Responsibility therefore lies at the doors of the respondent No.2-School and Deputy Director, Department of Public Instructions, Bangalore North District but for whose communication and memorandum son of the petitioner would not have got admitted with the aforesaid languages.

13. For the aforesaid reasons, we are unable to accept the contentions and the grounds urged in the aforesaid appeal. Appeal lacks merit and same is dismissed. Order of the learned Single Judge is hereby confirmed. We further make it clear that the observations by the learned Single Judge in the order dated 27.02.2023 at paragraphs 29 and 35 are in relation to the peculiar facts in the said writ petition. The respondents are directed to comply with order passed by the Learned Single Judge forthwith, as the examination is scheduled to commence from 31.03.2023.