

(2017) 05 KL CK 0028

In the High Court Of Kerala

Case No : 900 of 2017 () IN WP(C) 16377 of 2017

STATE OF KERALA Vs ABDURAHIMAN C.P? PTA PRESIDENT

Date of Decision : 26-05-2017

Acts Referred:

Citation : (2017) 05 KL CK 0028

Hon'ble Judges : Navaniti Prasad Singh, RAJA VIJAYARAGHAVAN V

Bench : DIVISION BENCH

Advocate : ARAVINDAKUMAR BABU, S.NIRMAL, PAUL K.VARGHESE

Final Decision : Disposed

Judgement

1. These two appeals arise out of a common judgment dated 16.05.2017 in two writ petitions. The writ petitioners are students who came through their guardians and Parent Teachers Association of two schools making a grievance that they are students of schools in the State of Kerala which schools are following the Central Board of Secondary Education (for short "CBSE") curriculum. Their children having passed Class X examination, aspire to continue education in the State of Kerala.
2. In Kerala, school admissions at Plus One level are centralised by the State of Kerala. What has happened is that notwithstanding CBSE having announced that due to certain technical problems, the results of Class X are delayed and would only be published within the second week of June, 2017, the authorities of the State have fixed the last date for submission of

application seeking admission to Plus One as 22.05.2017 itself.

The result would be that effectively all CBSE students of the State who have to pass Class X would be deprived of admissions in other schools which are not following CBSE curriculum. The number of such students appearing for Class X examination under the CBSE curriculum in the State is not a small number. It is about 72,000 students.

3. According to learned Government Pleader, last year, about 42000 CBSE students have applied for admission to Plus One in the State. If we consider these two figures, it would be apparent that if the last date for making application is not extended, then all these 72000 students, who have studied in Kerala itself, would be deprived of admissions in schools of their choices in Plus One.

4. Learned Government Pleader then submits that State cannot upset the time schedule as has been set up and such a relaxation or extension of the last date would upset the whole academic calendar. We think that it is a myopic view. We have to balance the rights of children to receive education as per their choice with the difficulties of administration. The right of education and the choice thereof cannot be made subordinate to administrative difficulties. In our view a mere three weeks delay in finalising admissions does not upset things to any extent but it could not justify denying children their rights.

5. Reserving 10% of the seats would even otherwise be of no consequence in as much as all the good courses and good schools would then be occupied by the non-CBSE students, once again denying them equality and the right of choice. The number of students as noticed above is not insignificant. Thus, we cannot countenance this concept of 10% reservation which again is not

exclusively for CBSE students. We may look at it slightly differently. If the State has no problem in reserving 10% of the seats where admissions would be finalised and classes would start three weeks later, will it not amount to classification with no rational basis? There would be two groups of students in the same school starting at different times. That would lead to more administrative chaos than what is being sought to be avoided. It would not be in the interest of students.

6. To us, like other professional institutions where applications are received, pending results, State could have and ought to have adopted the same procedure, so that all formalities, data collection would be over and would merely await for formal results. It would have reduced the time gap.

Unfortunately, State even though was alive to the situation, chose to ignore and turn a blind eye with the matters of education and specially at the level of Plus One level. We cannot permit such unholy discrimination only on the ground of local board and CBSE. We need say no more.

7. Lastly, the learned Government Pleader produced before us a judgment of learned single Judge of this Court dated 04.06.2010 passed in W.P.(C) No.15351 of 2010 (E.T. Sreelakshmi and others v. State of Kerala and others), wherein the learned single Judge did not allow extension of date merely on the ground that 5% of the seats would be kept reserved for supplementary allotment. That was thought to be just and proper for the reasons indicated above. We are unable to subscribe to that and in our view, it is not correct. We thus find no reason to interfere with the order of the learned single Judge under appeal.

8. After we had virtually dictated the order, learned

Standing Counsel for the CBSE brought to our notice the instructions which he had just received. As per the instructions, apparently because of various other controversies which have been reported in Press, CBSE is expected to declare Class X results within the second week of June, 2017. Thus, even the date as fixed by the learned single Judge may not serve the purpose. In the extraordinary circumstances with which we are faced, we would modify the order of the learned single Judge directing that the State of Kerala will keep open the last date for making application for admission to the Plus One course for "two days" after declaration of results, meaning thereby, three clear working days including the date of declaration of CBSE results of Class X. It would be their duty to publish repeatedly and adequately such news so that parents and guardians may be ready to make Online applications, no sooner they are able to get marks of their children. We hope and trust that the State realises the exigency of the matter and implement the directions of this Court in its true spirit.

With the directions and observations above this writ appeals stand disposed of.