

Serial No. 1,2,3 Supp. List
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HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 47 of 2018 with
WP(C). No. 48 of 2018
WP(C). No. 49 of 2018

Date of Order : 29.11.2018

Smti. Mamta Mazumdar	Vs.	State of Meghalaya & Ors.
Smti. Rimon Kuri	Vs.	State of Meghalaya & Ors.
Smti. Celeen Magdalene Kharmawphlang	Vs.	State of Meghalaya & Ors.

Coram: Hon'ble Mr. Justice S.R.Sen, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K.Paul, Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA for R 1-3.
Mr. S.Kumar, Adv. for R 4 & 5.

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1. Heard Mr. K.Paul, learned counsel for the petitioners as well as Mr. K.P.Bhattacharjee, learned GA for the respondents No. 1-3 and Mr. S.Kumar, learned counsel for the respondents No. 4 & 5.
 2. The petitioner's case in W.P. (C) No.47/2018, WP(C). No. 48/ 2018 and WP(C). No. 49/2018 in a nutshell is that:

“This is an application under Article 226 of the Constitution of India for issuance of writ of mandamus, certiorari and any other order or orders, directions or writ of like nature assailing the impugned action of the school/board authorities, in debarring the Petitioner from appearing in the Class-XII (MBOSE) board examination, 2018 without any rhyme or reasons and in utter violation of the Judgment and order dated 19.09.2017, in spite of the Petitioner clearing the Special Examination conducted by the Respondent in terms of the Judgment and order dated 19.09.2017 passed by the

Hon'ble Court and being otherwise eligible to sit for examination for the year 2018. Such illegal and arbitrary action of the Respondent authority has jeopardised the academic career of the Petitioner as well as other similarly situated students for no fault of theirs.

Being highly aggrieved and dissatisfied with the action of the Respondents in illegally and arbitrary debarring the Petitioner from appearing in the Class XII board examination, 2018, the humble Petitioner has approached this Hon'ble Court for redressal of their genuine grievances."

3. Mr. K.Paul submits that the petitioners, namely Smti. Mamta Mazumdar, Smti. Rimon Kuri and Smti. Celeen Magdalene Kharmawphlang inspite of the fact that they have passed the selection test from Laban Assamese School Girls' Higher Secondary School, Shillong, Meghalaya and Pearly Dew Higher Secondary School, they were not given any opportunity to fill up the forms to sit for the next final Class- XII examinations.

4. Learned GA for the respondents No. 1-3 submits that they were not allowed to fill up the forms because they did not attend classes and as such, their percentage does not support to fill the examination forms. He also further submits that they did not take admission in the schools after passing their Class- X Special examination.

5. After hearing the submission advanced by the learned counsels for the parties and considering the career of these students, I am of the opinion that whether they meet the percentage or not and whether they have taken admission or whatever the case may be, they are to be allowed to fill up their respective forms immediately and also be allowed to sit for the Class-XII examination which is to be conducted in the month of March, 2019. However, the matter shall be finalised after the examination is complete.

6. List the matter in the month of April, 2019. If the petitioners face any hassle or indifference, they are at liberty to approach the Court by mentioning the matter.

(S.R.Sen)
JUDGE

Meghalaya
29.11.2018
"S.Rynjah PS"

