

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE M. S. RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE K. LAKSHMAN

W.P.(PIL) NO: 53 OF 2020

Between:

Bala Krishna Mandapati, S/o M. Sambaiah, Aged about 36 years, R/o Flat No. 502, Ashok Residency, Street Number 6, East Maredpally, Nehru Nagar, Hyderabad-500026. Aadhar number - 281777817877, Pan number - APLPM9326D Mobile number -9502265851 Bank Account No. 074750700000809 Mail id. baluktb7@gmail.com

Petitioner

AND

1. The State of Telangana, Rep., by its Chief Secretary, Revenue (Disaster Management-II) Department Secretariat, Hyderabad.
2. The Special Chief Secretary to Government, Health, Medical and Family Welfare Department, Secretariat, Hyderabad.
3. The Special Chief Secretary to Government, Education Department, Secretariat, Hyderabad.
4. The Commissioner and Director of School Education, Saifabad, Hyderabad
5. The Telangana Board of Secondary Education, Rep. by its Director, Hyderabad
6. The Union of India, Rep. by its Secretary, Ministry of Health and Family Welfare, New Delhi.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, order or direction preferably Writ of Mandamus, declaring the action of the Respondents No. 1 to 5 in not postponing the 10th Class State Board Examinations-2020 (Secondary School Certificate Public Examinations) despite the Advisories being issued in regard to COVID-19 Pandemic as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the Respondents No. 1 to 5 to postpone the said examinations in the interest of the health of the students.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents No.1 to 5 to ensure Thermal Scanning; Mandatory wearing of Masks by the Students, Invigilators and parents and compliance with other safeguards prescribed by the Health Authorities for prevention of the spread of COVID-19, at all the Examination Centers in the State of Telangana presently conducting 10th Class State Board Examinations-2020 (Secondary School Certificate Public Examinations) in the interest of justice, pending disposal of WP(PIL) 53 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon reading the Order dated 20.03.2020 in WP(PIL) No. 53 of 2020 and upon hearing the arguments of Sri KOWTURU PAVAN KUMAR, Advocate for the Petitioner, Sri B.S. Prasad, ADVOCATE GENERAL (TG), for the Respondent Nos.1 to 5, the Court made the following.

ORDER:

Heard the counsel for petitioner, and the learned Advocate-General, for respondents.

On 20.03.2020, a Division Bench of this Court, headed by Hon'ble The Chief Justice, had directed respondents to postpone the X Class State Board Examinations, 2020 scheduled to be held from 23.03.2020 till 30.03.2020 and to re-schedule these examination papers at a future date in the light of the COVID-19 pandemic situation existing in the State and throughout the country. The respondent nos.1 to 5 were also directed to consider whether it will be possible and advisable to hold the papers which were scheduled to be held from 31.03.2020 to 06.04.2020.

After the said order was passed, the Central Government has announced a complete lockdown except for essential services up to 15.04.2020.

The learned Advocate-General stated that in the light of the said decision of the Central Government, yesterday a decision was taken to indefinitely postpone the X Class State Board Examinations, 2020 till the situation normalises, and that the said decision is as under :

PROCEEDINGS OF THE DIRECTOR OF GOVERNMENT EXAMINATIONS

TELANGANA :: HYDERABAD

Present: Sri A Satyanarayana Reddy, M.A.,M.Ed.,

Rc.No.152/B-2/2020.

Dated:29-03-2020

Sub:- SSC Public Examinations March, 2020 –Postponement of remaining SSC Public Examinations which are scheduled to be held from 31-03-2020 to 06-04-2020 – Orders – Issued – Reg.

Ref:- 1. Hon'ble High Court of Telangana State orders on WP (PIL) No.53 of 2020 dated:20-03-2020.

2. Note orders of the Special Chief Secretary to Government, Education Department, Telangana, Hyderabad dt.20-03-2020.

3. Proc.Rc.No.152/B-2/2020, Dated:20-03-2020 of DGE, TS, Hyderabad.

ORDER:

In continuation of this office proceedings 3rd cited, all the District Educational Officers in the State are hereby informed that in view of the prevailing health situation arise out of Corona Virus (COVID-19) Disease, as per the direction of the Hon'ble High Court of Telangana SSC Public Examinations March, 2020 scheduled to be held from 23-03-2020 to 30-03-2020 are postponed

As per the latest orders issued for the extension of Lockdown up to 14-04-2020 by the National Disaster Management Authority (NDMA) and Government of Telangana, Hyderabad vide G.O.Ms.No.54, Dated:28-03-2020 of General Administration (COVID) Department, Remaining SSC March, 2020 Public Examinations which are scheduled to be held from 31-03-2020 to 06-04-2020 are also Postponed. The re- scheduled dates of SSC and other examinations will be intimated later.

Therefore, all the District Educational Officers in the State are requested to make necessary arrangements for wide publicity on the above said through Print and Electronic media as a news item in the interest of the public."

Having regard to the said decision taken by respondent nos.1 to 5, as contained in the above Memo, we direct that examination in all subject papers of the X Class State Board Examinations, 2020 be postponed till the situation normalises, and the respondent Nos.1 to 5 shall notify the said decision to postpone the examinations through print or audio or visual Media to-day.

The rescheduled dates of the said examinations shall be notified later by the respondent Nos.1 to 5.

Sd/-
SRI JUSTICE M. S. RAMACHANDRA RAO

Sd/-
SRI JUSTICE K. LAKSHMAN

//TRUE COPY//


30/02/20
REGISTRAR (JUDICIAL)

SECTION OFFICER

To,

1. The Chief Secretary, Revenue (Disaster Management-II) Department, State of Telangana, Secretariat, Hyderabad.
2. The Special Chief Secretary to Government, Health, Medical and Family Welfare Department, Secretariat, Hyderabad.
3. The Special Chief Secretary to Government, Education Department, Secretariat, Hyderabad.
4. The Commissioner and Director of School Education, Saifabad, Hyderabad
5. The Director, Telangana Board of Secondary Education, Hyderabad.
6. The Secretary, Union of India, Ministry of Health and Family Welfare, New Delhi.
7. One CC to SRI KOWTURU PAVAN KUMAR, Advocate [OPUC]
8. Two CCs to Sri B.S. Prasad, ADVOCATE GENERAL (TG), High Court at Hyderabad.
9. Two spare copies

MBC