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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2020

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE NATARAJ RANGASWAMY

WRIT PETITION NO.8382 OF 2020 (EDN-RES) PIL

BETWEEN:

KARAN KUMAR H
S/O HUCHAIAH
AGED ABOUT 49 YEARS,
R/A NO. 609, 30TH MAIN
ATTIMABBE ROAD, 80 FEET ROAD,
BSK III STAGE, BANGALORE-560085

... PETITIONER

(BY SRI DILRAJ ROHIT SEQUEIRA, ADVOCATE)

AND:

- 1 . THE STATE
GOVERNMENT OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF EDUCATION,
(PRIMARY AND SECONDARY)
M.S.BUILDING, BANGALORE-560001
- 2 . KARNATAKA SECONDARY EDUCATION
EXAMINATION BOARD
REPRESENTED BY ITS SECRETARY,
6TH CROSS, MALLESHWARAM,
BANGALORE-560001

... RESPONDENTS

(BY SRI M DHYAN CHINNAPPA, ADDITIONAL ADVOCATE
GENERAL A/W SRI VIKRAM HUILGOL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN
THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE
WRIT, ORDER OR DIRECTION, DIRECTING THE
RESPONDENTS TO TAKE APPROPRIATE MEASURES IN

ORDER TO AVOID THE HIGH RISK OF STUDENTS GETTING INFECTED EITHER ON THE WAY TO THE EXAMINATION CENTRE OR ON THEIR WAY BACK, TO IMPOSE A STATE-WIDE CURFEW TYPE RESTRICTIONS BETWEEN 8-30 AM AND 2-30 PM ON THE DAYS OF SSLC EXAMINATION AND ETC

THIS PETITION COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

Considering the urgency, the petition was ordered to be listed at the end of the list.

2. The issue concerns SSLC examination to be conducted between 25th June 2020 to 4th July 2020 by the Karnataka Secondary Education Examination Board (for short 'the Board'). The first substantive prayer is prayer (a) which reads thus:

"a. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the Respondents to take appropriate measures in order to avoid the high risk of students getting infected either on the way to the examination centre or on their way back, to impose a state-wide curfew type restrictions between 8-30 am and 2-30 pm on the days of SSLC examination."

3. The submission of the learned counsel appearing for the petitioner is that the students and parents will congregate outside the examination centres before commencement of the examination and after the examination

is over and social distancing norms will not be observed. He, therefore, submitted that restrictions on par with curfew should be imposed between 8.30 a.m. to 2.30 p.m. on the days of SSLC examination. His second submission based on prayer (b) is that all necessary steps should be taken to ensure that the pandemic of COVID-19 does not spread to the students.

4. The decision of holding SSLC examination was questioned before this Court by filing W.P.No.7201/2020 which was disposed of by a detailed judgment and order dated 27th May 2020. The said judgment and order shows that on the very day, the Standard Operating Procedure (for short 'SOP') was issued by the Board providing for several safeguards to ensure that the epidemic does not spread due to conduct of the examination. Paragraph 9 of the said judgment and order sets out the material portions of SOP. In addition, under the same judgment and order, this Court issued additional directions for ensuring smooth conduct of the examination and safety of the students. The directions are contained in paragraph 15 of the said judgment and order.

5. The learned Additional Advocate General stated that the said judgment and order dated 27th May 2020 has

been confirmed by the Apex Court by the order dated 17th June 2020 in SLP (Civil) Diary No.12064/2020. He states that approximately there are 2879 centres across the State where SSLC examination will be conducted and the buildings where these centres are located have been barricaded. He further states that SOP will be followed while conducting the examination and the directions of this Court will be also implemented.

6. The petitioner is seeking a very drastic relief directing imposition of curfew virtually for half of every day on which SSLC examination is conducted. Whether a curfew should be imposed or not is a very serious question. The answer to the question should be best left to the wisdom of the experts in the field. Therefore, we are unable to grant the drastic relief as prayed for in prayer (a) of directing the State to impose a state-wide curfew.

7. The anxiety expressed by the learned counsel appearing for the petitioner about possible congregation of students and parents outside the examination centres may have some basis. Consistent with the SOP issued on 27th May 2020, the State Government and the Board will have to take all

possible steps to ensure that there is no congregation of students and parents outside the examination centres before the commencement of the examination and after the completion of the examination. All the authorities will have to take extra precaution in ensuring that there is no such congregation and there is no violation of social distancing norms outside the examination centres especially, after the examination is over in the afternoon.

8. In view of the safeguards provided in the SOP as well as the order dated 27th May 2020 and in view of what we have observed above, it is not necessary to entertain this petition and grant any relief.

9. Accordingly, the writ petition is disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**