

BEFORE THE HON'BLE HIGH COURT OF KERALA ERNAKULAM

W.P. (Civil) No. /2021

**PETITIONER**

Muhammed Murshid, aged 18  
Student & N.S.S. Leader,  
PMSAMA Higher Secondary School,  
Chemmakadavu.  
S/o Abdul Majeed  
Murungathodan House  
Cholakkal, Kodur P.O

**RESPONDENTS**

1. State of Kerala,  
Represented by the Secretary to Government,  
General Education (G) Department,  
Secretariat, Thiruvananthapuram - 695 001.
2. Director of General Education,  
Directorate of General Education,  
Jagathi, Thiruvananthapuram-695014.
3. The Commissioner for Government Examinations,  
Pareeksha Bhavan, Poojapura,  
Thiruvananthapuram- 695012.

Address for service of notice and process on the petitioner is that of his Counsel **KABEER & SAJAL**, Advocates, Ernakulam, Kochi - 18 and that of the respondents is as shown above.

**STATEMENT OF FACTS**

1. The petitioner is a Plus Two student of PMSAMA Higher Secondary School, Chemmakadavu and NSS Leader in the academic year 2020-2021. He has participated various voluntary missions and attended various training programmes including State Level Leadership Training Programme for NSS Volunteers organized at Pilathara, Kannur. True copy of the certificate issued to the petitioner by the 2<sup>nd</sup> respondent dated 30-7-2019 is produced herewith and marked as **Exhibit.P1.**
2. The petitioner actively participated in the construction of houses for the people who lost their homestead in the flood. True copy of the news item appeared in the news Mathrubhumi daily regarding the key handing over ceremony conducted by Sri.P.V. Anvar M.L.A. regarding the three houses constructed by the NSS team led by the petitioner is produced herewith and marked as **Exhibit.P2.**
3. It is submitted that during the Covid-19 pandemic, the NSS team led by the petitioner engaged in the making of mask and masks were handed over to the Principal to distribute among the poor and needy people. True copy of the news item appeared in the Mathrubhumi news daily dated 28/05/2020 regarding the masks handing over to the Principal of the School by the petitioner is produced herewith and marked as **Exhibit.P3.**
4. The Government of Kerala has issued orders granting grace marks to NSS Volunteers in +2, VHSE etc. at the rate of 2% to NSS Volunteers having NSS Certificate, 3% to NSS Volunteers attended National Camps and 5% to NSS Volunteers attended Republic Day Camps. True copy of the G.O. (Ms) No.43/2009/ H. Edn. dated 27-5-2009 issued by the Higher Education Department is produced

herewith and marked as **Exhibit.P4**.

5. It is submitted that as per Exhibit P4 the petitioner is entitled for grace marks at the rate of 2% granted to NSS Volunteers having NSS Certificate. Even there is circular issued by the NSS Cell to the Principals for submission of application for NSS Certificate and Grace Marks. True copy of the Circular dated 1-2-2012 issued by the NSS Cell is produced herewith and marked as **Exhibit.P5**.
6. Now, the first respondent issued a communication dated 29-6-2021 to the Director of General Education informing that the Government has decided not to grant grace marks to the students in the academic year 2020-21. True copy of the communication dated 29-6-2021 issued by the first respondent to the Director of General Education is produced herewith and marked as **Exhibit.P6**.
7. It is respectfully submits that though Ext.P6 is a communication, but it has far reaching consequences and it is highly illegal and liable to be set aside as it deny grace mark to the petitioner also.
8. Hence the petitioner submitted a representation before the first respondent on 2-7-2021. True copy of the representation submitted by the petitioner before the first respondent on 2-7-2021 is produced herewith and marked as **Exhibit.P7**.
9. In Ext.P7 the petitioner has clearly pointed out the fact how it adversely affects the NSS NCC cadets and how the grace mark helps in the matter of admission to various courses. The petitioner reliably learnt that similar representations are filed by the parents of other students also. But the first respondent has not taken any positive action in the matter.

In the above circumstances, the petitioner having left with no other alternative, effective, efficacious and speedy remedy to redress his grievance, prefers this writ petition under Article 226 of the Constitution of India on the following among other:-

**GROUND S**

- a) The Government of Kerala has issued orders granting grace marks to NSS Volunteers in +2, VHSE etc. at the rate of 2% to NSS Volunteers having NSS Certificate, 3% to NSS Volunteers attended National Camps and 5% to NSS Volunteers attended Republic Day Camps.
- b) The petitioner being a +2 student and NSS Volunteer entitled for grace marks at the rate of 2% granted to NSS Volunteers having NSS Certificate.
- c) It is respectfully submits that though Ext.P6 is only a communication, but it has far reaching consequences and it is highly illegal and liable to be set aside as it deny grace mark to the petitioner also.
- d) In Ext.P7 the petitioner has clearly pointed out the fact how it adversely affects the NSS NCC cadets and how the grace mark helps in the matter of admission to various courses. But the first respondent has not taken any positive action in the matter.
- e) It is submitted that Ext.P6 will have a serious bearing of the future prospects of the petitioner and similar students. Hence it is one liable to be interfered by this Hon'ble Court.

- f) The Exhibit P4 is not withdrawn till today.
- g) Rule change in the middle of the game.

For these and other grounds that may be allowed to be advanced at the time of hearing, it is most respectfully prayed that this Hon'ble Court may be pleased to grant the following:-

#### **RELIEFS**

- (i) To issue a writ of certiorari quashing Ext.P6 as it adversely affects the petitioner;
- (ii) Issue a writ of mandamus, order of direction commanding and compelling the first respondent to consider Ext.P7 and grant grace mark to the petitioner;
- (iii) Issue a writ of mandamus, order of direction commanding and compelling the 3<sup>rd</sup> respondent not to publish the results of Plus Two examinations till the disposal of the writ petition;
- (iv) Issue such other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

#### **INTERIM PRAYER**

For the reasons stated in the Memorandum of Writ Petition and the accompanying affidavit it is prayed that this Hon'ble Court may be

pleased to issue an interim stay of the operation and implementation of Ext.P6 to meet the ends of justice.

Dated this the 12<sup>th</sup> day of July, 2021

PETITIONER

COUNSEL FOR THE PETITIONER