

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04..08..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. No.17605 of 2015

J.Jayaraman

..Petitioner

Versus

1.The State of Tamil Nadu
represented by its Secretary to Government
School Education (ERT) Department,
Fort St.George, Chennai 600009.

2.The Director of School Education,
College Road, Chennai 600 006.

..Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the second respondent to issue instructions to the Headmasters/Principals of all Schools in Talavai Town, Sathyamangalam Taluk, Erode District, coming under the definition of "Schools" in Section 2(e) of the Act 13 of 2006 to implement the provisions of Act 13 of 2006 only with effect from 2015-2016 as per G.O.Ms.No.145 (School Education Department) dated 18.09.2014 and not refuse admission to any non-Tamil speaking students on the ground that they do not know Tamil language or insist students of classes II to X whose mother tongue is other than Tamil to compulsorily write Part I Tamil exam.

For Petitioner :: Mrs.Nalini Chidambaram
for Ms.C.Uma

For Respondents :: Mr.D.Krishnakumar
Special Government Pleader for
R.1 & R.2

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O R D E R

(Judgment of Court was made by The Honourable The Chief Justice)

Learned counsel for the respondents rightly points out that the prayer made in this writ petition is really for implementation of G.O.No.145 dated 18.09.2014 which is only applicable to CBSE Schools other than State Boards. It will have no application in the facts of the present case as the School in question is governed by the State Board.

2.Learned Senior Counsel for the petitioner states that other parents of wards studying in different institutions at Talavadi, Erode, have filed W.P.No.21514 of 2015 for exemption under Section 5 of the "Tamil Learning Act, 2006" on account of the fact that a majority of the population in the area are not Tamil speaking. That Writ petition is listed before the learned Single Judge.

3. Learned counsel for the respondents states that two sets of petitions are listed on 22.09.2015 before this Court, where minority institutions and Telugu speaking students are also praying for not taking the Tamil examination.

4. In our view, the petition before the learned Single Judge is thus slightly different in character from those two writ petitions, but flow from the same broad principle of certain candidates not wanting to take the Tamil examination.

5. In view of the aforesaid, that writ petition before the learned Single Judge be also listed on 22.09.2015 before this Court, in which the respondents will ensure pleadings are complete by that date.

6.In so far as the present writ petition is concerned, the petitioner is granted liberty to seek impdement as the petitioner in that writ petition.

The writ petition accordingly stands closed with the aforesaid observation. No costs. M.P.No.1 of 2015 is closed.

ksr

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
School Education (ERT) Department,
Fort St.George, Chennai 600009.

2.The Director of School Education,
College Road, Chennai 600 006.

+ 1 cc to Govt.Pleader, SR 40150

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