IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.18845, 18019, 14494, 21079 of 2014, 21514, 23979, 26431 to 26443, 28579, 27712 to 27714, 29596, 29611, 29612, 30232 and 33540 of 2015
and W.P. (MD) No.15311 of 2014

TAMILNADU NURSERY PRIMARY
MATRICULATION HR.SEC.SCHOOL ASSN
REP BY STATE GEN.SECRETARY K.R.NANDAKUMAR
49 OLD POST OFFICE ST KORATTUR PO CHENNAI 80
...PETITIONER in WP.18845/14

THE ORGANIZATION OF MUSLIM
EDUCATIONAL INSTITUTION AND ASSOCIATIONS OF
TAMIL NADU (OMEIAT)
REP. BY GEN. SECY. DR.S.SATHIKH
ANJUMAN CAMPUS 16 B N REDDY ROAD
T.NAGAR CH-17.
...PETITIONER in WP.18019/14

THE ASSOCIATION OF MATRICULATION HR. SEC. SCHOOL
& THEIR MANAGEMENTS IN TAMILNADU & PONDICHERRY
REP. BY GENL. SECY. S.K.VENKATASALA PANDIAN
274/1 MTH ROAD CH-49.
...PETITIONER in WP.14494/14

1. P. PRABA REP BY FATHER AND
GUARDIAN Y.VENKATESAN

2. S.KAVITHA REP BY FATHER AND
GUARDIAN Y.VENKATESAN

3. P.MONIKA REP BY MOTHER AND
GUARDIAN T.S.PARIMALA

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4. M.PAVITHRA REP BY MOTHER
AND GUARDIAN M.LAKSHMI

5. K.RAJESH REP BY FATHER AND
GUARDIAN E.A.BALAIAH

6. V.THILAGAVATHY REP BY FATHER
AND GUARDIAN G.VENKATASALU

7. R.MUTHU REP BY MOTHER AND
GUARDIAN RANI

8. B.GANGA REP BY MOTHER AND
GUARDIAN SARALA

9. T.MANI REP BY MOTHER AND
GUARDIAN SAMPOORNA

10.M.HEMANTH KUMAR REP BY FATHER
AND GUARDIAN RAMAKRISHNA GNANAMMAL

11.M.PERUMAL REP BY FATHER AND
GUARDIAN M.GOVINDARAJULU

12.C.KUMAR REP BY MOTHER AND
GUARDIAN KUPPAMMA

13.M.SRAVANI REP BY FATHER AND
GUARDIAN M.MUNIRAJAPPA

14.T.ASHA REP BY FATHER AND
GUARDIAN S.THIMMARAYAPPA

15.S.SUDARINI REP BY FATHER AND
GUARDIAN B.SEENAPPA

16.R.BABU REP BY FATHER AND
GUARDIAN R.NARAYANASAMY

17.N.LAXMIPATHI REP BY FATHER
AND GUARDIAN M.NARAYANAPPA

18.N.MOORTHY REP BY FATHER
AND GUARDIAN C.NARAYANAPPA

19.N.RAGHU REP BY FATHER

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AND GUARDIAN C.NARAYANAPPA

20.N.RAMYA REP BY MOTHER AND
GUARDIAN C.NAGARAJ

21.R.SASIKUMAR REP BY FATHER
AND GUARDIAN A.RAMESH

22.S.NETHRA REP BY FATHER AND
GUARDIAN V.SRINIVAS

23.M.MADHUSHRI REP BY FATHER AND
GUARDIAN N.MUNIRAJ

24.B.MANJU REP BY FATHER AND
GUARDIAN R.BEERAIAH

25.N.SHANDEEPP REP BY FATHER AND
GUARDIAN M.NARAYANAPPA

26.G.AASHA REP BY FATHER AND
GUARDIAN R.GAJANDAR

27.N.SHRISHA REP BY FATHER AND
GUARDIAN E.NAGABUSHANA REDDY B.

28.N.SRIKANTH FATHER AND
GUARDIAN O.NARAYANAPPA

29.M.ANITHA REP BY FATHER AND
GUARDIAN C.MURUGESH

30.R.SRIDEVI REP BY MOTHER AND
GUARDIAN LAKSHMAMMA

31.N.SYLA REP BY FATHER AND
GUARDIAN M.NARASIMAPPA

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32.T.LAVAYA REP BY FATHER

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AND GUARDIAN THOLUGUTTAPPA

33.M.SIVAKUMAR REP BY FATHER
AND GUARDIAN T.MUNIAPPA

...PETITIONERS in WP.21079/14

1.B.CHENNAJAPPA
S/O. BASAPPA

2.K.S.JAYASHEKAR
S/O. SUBBANNA

3.L.RAJANNA
S/O.LINGAPPA KARALAVADI

4.M.SHIVASHANKAR
S/O. N.M.MAHADEVAPPA

5.M.KRISHNA
S/O. MAHADEVAPPA

...PETITIONERS in WP.21514/15

HOSUR STUDENTS WELFARE SOCIETY
REP BY ITS PRESIDENT MR.SURESH CHAND BAFNA SAGARMAL
NO.6 SIPCOT SHOPPING COMPLEX
MOOKANDAPALLI HOSUR-635 126

...PETITIONER in WP.23979/15

HASNATH-E-JARIA GIRLS HIGHER
SECONDARY SCHOOL
REP BY ITS CORRESPONDENT
AMBUR 635 802 VELLORE DISTRICT

...PETITIONER in WP.26431/15

KHADERIA HIGHER SECONDARY SCHOOL
REP BY ITS CORRESPONDENT KHADERPET
VANIYAMBADI 635 751 VELLORE DISTRICT

...PETITIONER in WP.26432/15

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ISLAMIA JAMA-ATH HIGH SCHOOL
REP BY ITS MANAGER AND CORRESPONDENT

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NARIYAMBATTU 635 319 VELLORE DISTRICT
...PETITIONER in WP.26433/15

RAMEEZA ORIENTAL ARABIC ISLAM GIRLS HIGH SCHOOL
REP BY ITS CORRESPONDENT
PERNAMBUT, 635 810, VELLORE DISTRICT
...PETITIONER IN WP.26434/15

ISLAMIAH BOYS HIGHER SECONDRY SCHOOL
REP BY ITS CORRESPONDENT
VANIYAMBADI, VELLORE DISTRICT
...PETITIONER IN WP.26435/15

MUHAMMADIA HIGH SCHOOL
REP BY ITS CORRESPONDENT
OOMERABAD, 635 808
VELLORE DISTRICT
...PETITIONER IN WP.26436/15

ISLAMIAH GIRLS HIGHER SECONDRY SCHOOL
REP BY ITS CORRESPONDENT
MELVISHARAM , VELLORE DISTRICT
...PETITIONER IN WP.26437/15

NUSRATHUL ISLAM GIRLS HIGHER SECONDRY SCHOOL
REP BY ITS SECRETARY AND CORRESPONDENT
PERNAMBUT 635 810, VELLORE DISTRICT
...PETITIONER IN WP.26438/15

OSMANIA HIGHER SECONDARY SCHOOL
REP BY ITS CORRESPONDENT
THIRUPATHUR, VELLORE DISTRICT
...PETITIONER IN WP.26439/15

MAZHARUL ULOOM HIGHER SECONDRY SCHOOL
REP BY ITS CORRESPONDENT
AMBUR 635 802 , VELLORE DISTRICT
...PETITIONER IN WP.26440/15

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ISLAMIAH GIRLS HIGHER SECONDRY SCHOOL
REP BY ITS CORRESPONDENT
VANIYAMBADI , VELLORE DISTRICT
...PETITIONER IN WP.26441/15

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ISLAMIAH BOYS HIGHER SECONDRY SCHOOL
REP BY ITS CORRESPONDENT
MELVISHARAM, VELLORE DISTRICT

...PETITIONER IN WP.26442/15

THE MUSLIM HIGHER SECONDARY SCHOOL
REP BY ITS CORRESPONDENT
TRIPLICANE ,CHENNAI 5

...PETITIONER IN WP.26443/15

ISLAMIA HIGHER SECONDARY SCHOOL
REP. BY ITS CORRESPONDENT PERNAMBUT,
VELLORE DISTRICT.

...PETITIONER IN WP.28579/15

M/S.BLESSINGS MATRICULATION HR. SEC. SCHOOL
REP BY ITS PRINCIPAL MRS.T.SOFIA RACHEL MARY
BLESSINGS NAGAR KEERAPAKKAM THIRUKALUKUNDRAM 603 109
KANCHEEPURAM DISTRICT

...PETITIONER in WP.27712/15

ST. MARKS MATRICULATION HR. SEC. SCHOOL
REP BY ITS VICE PRINCIPAL MRS.T.SHAMABAI
NO.141 RADHA NAGAR MAIN ROAD
CHROMEPET CHENNAI 44

...PETITIONER in WP.27713/15

M/S.ALM MATRICULATION HR.SEC. SCHOOL
REP BY ITS PRINCIPAL DR.K.I.N.DEIVA
AKANDAN PARAMAN A.P.M.S.GARDEN
2/170 EAST COAST ROAD INJAMBAKKAM CHENNAI 115

...PETITIONER in WP.27714/15

MONICA
REP. BY HER MOTHER AND NATURAL GUARDIAN
MRS.MUNILAKSHMAMMA

...PETITIONER in WP.29596/15

EBENEZER MATRICULATION HIGHER SECONDARY SCHOOL
REP. BY ITS CORRESPONDENT THIRU.S. SUKUMAR JEYASINGH
HOUSING BOARD COLONY 7TH STREET KORATTUR
CHENNAI- 600 080

...PETITIONER in WP.29611/15

EBENEZER MATRICULATION HIGH SECONDARY SCHOOL

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REP. BY ITS PRINCIPAL MR. E. RAHILENT EBENS
KOTTUR YELAGIRI HILLS VELLORE - 635 853
...PETITIONER in WP.29612/15

1.SILVIAN NORONHA
S/O. LATE ALEX NORONHA

2.DAVID ROTHANGLIANA

3.THANAKORN HOONSIL

4.RAYMOND ZOTHANGLIANA

5.JIJO ALANGADAN

6.K.P. SAIRAJ
...PETITIONERS in WP.30232/15

1. B.ARUL MARIADOSS BABU

2. S.VENKITESH KUMAR

3. V.D. DINESH

4. BINOY

5. D.THANGARASU

6. K.RAVICHANDRAN

7. M.G.M. ANAND

8. LEO AMBROSE

9. V.SRIDHAR

10.V.I.D. AMAL ANAND

11.MANGAL SINGH
MANGAL EXPORTS OPP.TO31
NANJAPPA HIGH SCHOOL KHADERPET TIRUPUR.

12.GEORGE JOSEPH P.O BOX NO 281
CHAWLA ARCHIETECTS & CONSULTANTS
DHUBAI U.A.E

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13.VASUNRAZ KOIJAM SINGJAMEI OINAM
THINGEL IMPHAL WEST - 95001.

14.CYRIL KURIAN
15 VIOLET CT BERGEN FIELD
N J 07621 U.S.A

15.MAZOOD OMARKHAN
POST BOX -27581 TENARS GLOBAL SERVICES
DUBAI U.A.E.

16.M.UDAYASANKAR
NO.20 1/6 FLORIDA TOWER KOTAHENA
COLOMBO - 13 SRI LANKA.

17.K.JYOTHY KUMAR DEVIKRIPA
NEAR VALIKEEZHU TEMPLE
KAVANADU PO. KOLLAM - 691 003
KERALA.

18.MADHAVAN
SRI VENKATESWARA BUILDING 29/A KUMILY ROAD
POOPARA IDUKKI DISTRICT KERALA-685 619.

...PETITIONERS in WP.33540/15

TAMILNADU PRIVATE MATRICULATION SCHOOLS
STUDENTS PARENTS ASSOCIATION
(S.No.21 OF 2011/127,MANDALAM)
PONMANAI POST, KANYAKUMARI DISTRICT - 629161
REP.BY ITS AUTHORISED OFFICER

...PETITIONER IN WP(MD).15311/14

Vs.

1.THE STATE OF TAMILNADU
REP BY ITS GOVERNMENT AND SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT FORT ST. GEORGE CHENNAI 9

2.THE DIRECTOR OF MATRICULATION SCHOOLS
DPI COMPOUND COLLEGE ROAD CHENNAI 6

3.THE DIRECTOR OF GOVERNMENT EXAMINATIONS

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DPI COMPOUND COLLEGE ROAD CHENNAI 6
...RESPONDENTS 1 to 3 in WP No.18845,18019,14494,
21079 of 2014, 23979,27712,27713,27714 of 2015

4.LINGUISTIC MINORITIES FORUM OF TAMIL NADU
REP. BY ITS CHAIRMAN
DR. C.M.K. REDDY HAVING OFFICE AT
306 POONAMALLEE HIGH ROAD
KILPAUK CHENNAI - 600 010.
...R4 IN WP.18019/14

(IMPLEADED AS PER ORDER DATED 23.11.2015
IN MP.1/2015 IN WP.18019/2014 BY
HON'BLE CJ & PSNJ)

THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD, CHENNAI - 6
...R3 IN WP.23979/15

THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI - 6.
...R2 & R3 IN WP.21079/14

THE CHIEF EDUCATIONAL OFFICER
KRISHNAGIRI
...4th RESPONDENT in WP.21079/14

1.THE STATE OF TAMILNADU
REP.BY ITS SECRETARY TO GOVERNMENT
SCHOOL EDUCATION (ERT) DEPARTMENT
FORT ST. GEORGE CHENNAI-600 009

2.THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI-600 006

3.THE CHIEF EDUCATIONAL OFFICER
ERODE DISTRICT ERODE

4.J. JAYARAMAN
S/O.LATE JAVARAIAH
KODIPURAM THALAMALAI VILLAGE
SATHYAMANGALAM TALUK
ERODE DISTRICT - 638 461.

(R-4 IS IMPLEADED AS PER ORDER DATED :23.11.2015

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BY C.J. & P.S.N. J. IN MP.3/2015 IN WP.21514/2015)

...RESPONDENTS in WP..21514/15

THE CHIEF EDUCATIONAL OFFICER
KRISHNAGIRI DISTRICT TAMIL NADU

THE INSPECTOR OF MATRICULATION SCHOOLS
ROOM NO.305 3RD FLOOR COLLECTORATE
SALEM TAMIL NADU - 635 601

THE DISTRICT EDUCATIONAL OFFICER
HOSUR KRISHNAGIRI DISTRICT
TAMIL NADU

ST.JOSEPHS MATRICULATION HIGHER SECONDARY SCHOOL
REP BY ITS HEADMISTRESS & CORRESPONDENT
MOOKANDAPALLI POST SIPCOT HOSUR
TAMIL NADU - 635 126

...4th to 7th RESPONDENTS in WP.23979/15

1.THE STATE OF TAMIL NADU
REP BY ITS SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT FORT ST. GEORGE
CHENNAI 9

2.THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI 6

3.THE CHIEF EDUCATIONAL OFFICER
VELLORE VELLORE DISTRICT

4.THE DISTRICT EDUCATIONAL OFFICER
THIRUPATTUR VELLORE
VELLORE DISTRICT

...RESPONDENTS in WPS.26431,26432,26433 to 26443 of 2015 & 28579/15

1.THE STATE OF TAMIL NADU
REP BY ITS SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT FORT ST. GEORGE
CHENNAI 9

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2.THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI 6

3.THE CHIEF EDUCATIONAL OFFICER,
SAIDAPET, CHENNAI

4.THE DISTRICT EDUCATIONAL OFFICER,
CHENNAI EAST, SULAIMEDU,
CHENNAI - 94

...RESPONDENTS IN WP.26443/15

THE CHIEF EDUCATIONAL OFFICER
KANCHEEPURAM KANCHEEPURAM DISTRICT
THE INSPECTOR OF MATRICULATION SCHOOL
KANCHEEPURAM KANCHEEPURAM DISTRICT

...4th and 5th RESPONDENT in
WPS.27712,27713,27714 of 2015

1.THE STATE OF TAMIL NADU
REP. BY SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT
FORT ST. GEORGE CHENNAI-9.

2.THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD NUNGAMBAKKAM
CHENNAI-6.

3.THE DIRECTOR OF ELEMENTARY EDUCATION
COLLEGE ROAD NUNGAMBAKKAM
CHENNAI-6.

...RESPONDENTS in WP.29596/15

1.STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO SCHOOL EDUCATION
DEPARTMENT CHENNAI - 600 009

2.DIRECTOR OF MATRICULATION SCHOOLS
COLLEGE ROAD D.P.I. CAMPUS
NUNGABAKKAM CHENNAI - 600 006

3.THE DIRECTOR OF GOVERNMENT EXAMINATIONS
COLLEGE ROAD D.P.I.CAMPUS
NUNGABAKKAM CHENNAI - 600 006

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...RESPONDENTS in WP.29611,29612/15

1.THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
FORT ST. GEORGE CHENNAI - 600 009

2.THE DIRECTOR OF SCHOOL EDUCATION
DPI COMPOUND COLLEGE ROAD
NUNGAMBAKKAM CHENNAI - 600 006

3.THE INSPECTOR OF ANGLO INDIAN SCHOOLS
DPI COMPOUND COLLEGE ROAD
NUNGAMBAKKAM CHENNAI - 600 006

4.THE CHIEF EDUCATIONAL OFFICER
OFFICE OF THE CHIEF EDUCATIONAL OFFICER
SALEM

...RESPONDENTS in WP.30232,33540/15

1.THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
FORT ST. GEORGE CHENNAI - 600 009

2.THE DIRECTOR OF SCHOOL EDUCATION
DPI COMPOUND COLLEGE ROAD
NUNGAMBAKKAM CHENNAI - 600 006

3.THE DIRECTOR OF MATRICULATION SCHOOLS
FORT ST. GEORGE, CHENNAI - 6

4.THE CHIEF EDUCATIONAL OFFICER
COLLEGE ROAD CHENNAI - 6

5.THE DISTRICT EDUCATIONAL OFFICER,
NAGARCOIL, KANYAKUMARI DISTRICT

6.THE DISTRICT EDUCATIONAL OFFICER,
THUCKALEY, KANYAKUMARI DISTRICT.

7.THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI AT MARTHANDAM, KANYAKUMARI DISTRICT

8.THE INSPECTOR OF MATRICULATION SCHOOLS,

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TIRUNELVELI, TIRUNELVELI DISTRICT

9.THE ASSOCIATION OF MATRICULATION, HIGHER SECONDARY SCHOOLS AND THEIR MANAGEMENT OF TAMILNADU & PONDICHERRY
REP.BY ITS GENERAL SECRETARY S.K.VENKATA CHALA PANDIAN
(R9 - SUO MOTU IMPLEADED VIDE COURT ORDER DATED 19.09.2014)
...RESPONDENTS IN WP(MD).15311/14

PRAYERS:

WP No.18845 & 14494 of 2014
Calling for the records of the second respondent in Na.Ka.No.816/A1/2014 dated 10.02.2014 since it seeks to implement Act 13 of 2006 Tamilnadu Tamil learning Act and quash the same.

WP No.18019 of 2014
Directing the First Respondent herein to dispose of the representation dated 30.05.2014 and consequentially direct the Respondents not to take any coercive steps in implementing the Tamil Nadu Act 13 of 2006 pending disposal of the said representation.

WP No.21079 of 2014
Forbearing the respondents herein from implementing the Tamilnadu Learning Act 13 of 2006 until the rules are framed under the said Act and until provision is made for the proper infrastructure by appointment of properly qualified teachers from class I and until syllabus, books and timetable commensurate with the same are provided.

WP No.21514 of 2015
Directing the 1st respondent to exercise its powers under section 5 of Act 13/2006 namely the Tamil Nadu Learning Act, 2006 and exempt the students whose mother tongue is Kannada from the provisions of Act 13/2006 in particular section 3 of Act 13/2006.

WP No.23979 of 2015
Calling upon the Respondents to grant exemption under Sec.5 from the operation of the Tamil Learning Act of 2006 as per the representation dated 01.6.2015 of the Petitioner.

WP No.26431 to 26443 & 28579 of 2015
Calling for the entire records connected with impugned order passed by the 2nd respondent vide Na. Ka. No.72716/C5/E2/2014, dt 3.6.2014 and consequential order of the 3rd respondent dated May 2015, signed on 18.5.2015, vide Na. Ka. No.1235/B1/2015 and

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quash the same and direct the respondents to exempt the students studying in the petitioner School from writing Tamil as a compulsory language under Part I in SSLC Examination for the academic year 2015-2016.

WP No.27712 of 2015
Directing the respondents to permit the petitioner School to conduct French & Hindi Classes to the above students respectively as Part I language for the Academic Year 2015, and provide French & Hindi question papers to them respectively for their X Std Public Examination for Part I language exempting them from learning Tamil as Part I language for the Academic Year 2015-16.

WP No.27713 of 2015
Directing the respondents to permit the petitioner School to conduct Hindi Classes to the above twelve students as Part I language in X Std for the Academic Year 2015-16, and to provide Hindi question paper to them for their X Std Public Examination for Part I language exempting them from learning Tamil as Part I language for the Academic Year 2015-16.

WP No.27714 of 2015
Directing the respondents to permit the petitioner School to conduct Arabic & Hindi Classes to the above students respectively as Part I language in X Std for the Academic Year 2015-16, and to provide Arabic & Hindi question papers to them respectively for their X Std Public Examination for Part I language exempting them from learning Tamil as Part I language for the Academic Year 2015-16.

WP No.29596 of 2015
Calling for the records of the 2nd respondent in Na.Ka. No.72716/ C5/E2/2014 and to quash the order dated 30.4.2015 made therein

WP No.29611 & 29612 of 2015
To direct the Respondents to the grant all the students studying in Petitioner school an exemption under section 5 of the Tamil learning Act 13 of 2006 for a period of 5 years from the academic year 2015-2016 up to 2020-2021 and enable all the students in our school to face their Academic and Board exams on a common footing or platform

WP No.30232 of 2015
Directing the first respondent herein to exempt the petitioners

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wards, namely, (1) SANDEEP CYRIL NORONHA, (2) JEREMY VANMALSAWMA, (3) THANAKORN HOONSIL, (4) ROGER ZOREMTHANGA, (5) ABIN JIJO ALANGADAN and (6) SAHIL AHAMED studing in X Std. in Montfort Anglo Indian Higher Secondary School, Yercaud under Section 5 of the Act 13 of 2006 read with G.O.Ms. No. 145, School Education (ERT) Department Dated 18.09.2014 issued by the 1st respondent from compulsorily writing an examination in Tamil as a language paper and permit the petitioners wards to writ the language paper either in Hindi or in French in the Tamil Nadu State Board Examinations to be held in March 2016

WP No.33540 of 2015
Directing the 1st respondent herein to exempt the petitioners wards namely, (1) Aaron Rajan A, (2) Vishnuraj V, (3) Ajith V.D., (4) Steeve Sam Binoy, (5) Vinod T, (6) Harihara Prasadh K.R. (7) Iwyn Muthu A (8) Aldo Leo, (9) Sai Sidhartha Reddy V, (10) John Thomas A, (11) Manjeet Singh Rao, (12) Riya George, (13) Vasundhara Devi Koijam, (14) Jones K Cyril, (15) Sabah Mazood, (16) Tharanesh Udayasankar, (17) Kishan J Panciker (18) Mahendra Vishnu M, studying in X std in Montfort Anglo Indian Hr. Sec. School, Yercaud under Section 5 of the Act 13 of 2006 read with G.O.Ms.No.145, School Education (ERT) Department dt.18.09.2014 issued by the 1st Respondent from compulsorily writing an examination in Tamil as a ...

W.P.(MD).15311 OF 2014
Writ of Certiorari Calling for the records relating to the impugned proceedings issued by the 3rd Respondent, Director of Matriculation Schools in Na.Ka.No.816/A1/2014 dated 30.05.2014 and the consequent proceedings issued by the 8th Respondent, Inspector of Matriculation Schools in Na.Ka.No.354/A1/2014 dated 03.06.2014 quash the same in so far as they compel the Matriculation Schools and the students therein to switch over suddenly to Tamil as their part - I First Language from their mother tongue Malayalam, and pass such further order.

Appearance:

FOR PETITIONER

Mr.M.Vekadesan ...In Wp.18845/14

Mr.M.Ravindran SC
for M/s.Krishna Ravindran ...In Wp.18019/14

Mr.N.R.Chandran SC

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for Mr.R.Kannan ...In Wp.14494/14

Mrs.Dakshayani Reddy ...In Wp.21079/14

Mrs.Nalini Chidambaram
for Mrs.Uma ...In Wp.21514/15

Mr.Yarshavardhan SC
for Mr.S.Venkatraman ...In Wp.23979/14

Mr.A.R.L.Sundaresan SC
for Mr.S.N.Ravichandran ...In Wp.26431 to 16443/15, 28579/15

Mr.H.Mohammed Farook ...In Wp.27712/15 to 27714/15

Mr.G.M.AnanthaKumar ...In Wp.29596/15

Mr.L.Chandrakumar ...In Wp.29611/15 & 29612/15

Mr.B.RaviRaja ...In Wp.30232/15 & 33540/15

Mr.Godson Swaminathan
for M/s.Isaac Mohanlan ...In Wp(Md).15311/14

FOR RESPONDENT

Mr.A.L.Somayaji, Advocate General
Assisted by Mr.D.KrishnaKumar
Special Govt Pleader(Education) ...In All WPs

Mr.M.Balaji ...Impleaded Person in Wp.18019/14

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Learned Advocate General has obtained instructions to state that the competent authority would be in a position to deal with the issue of exemptions of individual students in a time bound manner, keeping in mind the anxiety of the students over the

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scheduled examination in March 2016.

2.We are informed that some of the students may have applied individually while others through their parents or institutions. In case, someone is left out, the needful be done within two (2) weeks from today. We make it clear that where applications are routed through institutions including Government schools, it shall be the duty of the Head of the institutions to make sure that the applications are forwarded in time.

3.We have impressed upon the learned Advocate General that keeping in mind that the Rules have been brought into force only in the year 2012 and the issue relates to the fate of the students, who should not suffer, a liberal approach is mandatorily required, especially at the inception stage of introduction of the scheme to ensure that they do not face any harassment and that he must, in turn, impress upon the competent authority that these principles are to be kept in mind while dealing with the applications. Further, we call upon the competent authority to deal with the applications within a period of six (6) weeks from today because we have granted two (2) weeks time for moving any further application.

4.We are sure that the competent authority, especially in view of what we have observed above, would keep the interest of the students at heart while deciding the application.

5.We may notice that the latest affidavit filed by the Director of School Education seeks to make a U-turn inasmuch as what is sought to be pleaded qua minority aided institutions is now that after 1991-92, no aid has been provided qua the teachers appointed and only the aid has been made available for teachers appointed with the permission of the Government prior to that year. It is, thus, stated that it is the schools' job to make available the funds for the teachers to be deployed after that year and wherever a special request is made, the individual cases have been dealt with accordingly. It is stated that this is so in view of the amendment to the Act.

6.Learned senior counsel appearing for the petitioner-organisation in W.P.No.18019 of 2014, however, states that the prayer sought for in the petition has exhausted itself, but the petitioner-organisation wants to raise some other issues. We grant them liberty to file a writ petition for those aspects.

7.All the writ petitions, accordingly, stand disposed of, as

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no further directions are required. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Government,
   Education Department,
   Fort St. George, Chennai.

2. The Director of Matriculation Schools,
   DPI Compound, College Road,
   Chennai.

3. The Director of Government Examinations,
   DPI Compound, College Road,
   Chennai - 6

4. The Chief Educational Officer,
   Krishnagiri.

5. The Director of School Education,
   College Road, Chennai - 6.

6. The Chief Educational Officer,
   Erode District.

7. The Chief Educational Officer,
   Krishnagiri District.

8. The Inspector of Matriculation Schools,
   Room No.305, 3rd Floor,
   Collectorate, Salem - 635 601.

9. The District Educational Officer,
   Hosur, Krishnagiri District.

10. Headmistrers & Correspondent,
    St. Josephs Matriculation Higher Secondary School,

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Mookandapalli Post, SIPCOT,
Hosur 635 126.

11.The Chief Educational Officer,
Vellore.

12.The District Educational Officer,
Thirupattur, Vellore District.

13.The Chief Educational Officer,
Kancheepuram District.

14.The Inspector of Matriculation School,
Kancheepuram.

15.The Director of Elementary Education,
College Road, Nungambakkam, Chennai - 6.

16.The Inspector of Anglo Indian Schools,
DPI Compound, College Road,
Nungambakkam, Chennai - 6.

17.The Chief Educational Officer,
Salem.

18.The District Educational Officer,
Nagarcoil, Kanyakumari District.

19.The District Educational Officer,
Thuckaley, Kanyakumari District.

20.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District.

21.The Inspector of Matriculation Schools,
Tirunelveli District.

22.Mr.S.K.Venkatachalapandian,
General Secretary,
The Association of Matriculation and
Higher Secondary School and their

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Management of TamilNadu & Pondicherry,
274/11, MTH Road,
Chennai 600 049.

+ 1 CC to Government Pleader SR NO 63504

+ 3 CCs to Mr.H.Mohammed Farook, Advocate SR NO 63556, 63557, 63558

+ 2 CCs to Mr.S.Venkatraman, Advocate SR NO 63414

+ 1 CC to Mr.M.Venkateshan, Advocate SR NO 63458

+ 14 CC to Mr.S.N.Ravichandran, Advocate SR NO 63518

+ 1 CC to Mrs. C.Uma, Advocate SR NO 63512

+ 1 CC to M/s.Dhakshayani Reddy, Advocate SR NO 63552

+ 1 CC to Mr.Krishna Ravindran, Advocate SR NO 63696
+ 1 CC to Mr. S.Senthil Nathan, Advocate SR NO: 63770
+ 1 CC to Mr. Issac Mohanlan , Advocate SR NO: 63965
+ 2 CC to Mr.B.Raviraja , Advocate SR NO: 64074
+ 1 CC to Mr.S.SathishChandran , Advocate SR NO: 64036
+1cc to M/s.R.Kannan, Advocate sr.64961[30/11/2015]
+ 1 cc to Mr.G.M.Anantha Kumar, Advocate sr 63726[23/12/2015]

W.P.Nos.18845, 18019, 14494, 21079 of 2014, 21514, 23979, 26431 to 26443, 28579, 27712 to 27714, 29596, 29611, 29612, 30232 and 33540 of 2015
and W.P. (MD) No.15311 of 2014

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