

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.18488 of 2016

G.Balakrishnan

..Petitioner

-vs-

1.State of Tamilnadu,
rep. by The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai-600 009.

2.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus (a) directing the respondents to issue appropriate instructions to the authorities in the Higher and School Education Departments to take prompt steps to implement the G.O.Ms.No.205 dated 31.07.2000 of the School Education (C-2) Department by issuing appropriate directions to the Educational Institutions coming under their respective jurisdictions regarding the right of the parents/wards not to be compelled to declare their religion/caste while seeking admission into the educational institutions and permit such persons to mention as "No Religion" and "No Caste" against the respective columns; (b) directing the respondents to issue appropriate instructions to all the Educational institutions in the State directing not to mention the religion/caste of the student in the Transfer Certificate issued by the educational institution concerned, based on the petitioner's representation dated 05.05.2016 within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.T.N.Rajagopal
Special G.P. (Edn.)

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)
With the avowed object of having a classless society, the
State Government issued the following Government Order on
31.07.2000, as under:-

GOVERNMENT OF TAMIL NADU

ABSTRACT

Primary Education - Conferring of right to those
who do not wish to mention religion and caste in
school certificate - Orders issued.

SCHOOL EDUCATION (C2) DEPARTMENT

G.O.Ms.No.205

Date: 31.07.2000

Read: G.O.Ms.1210 of Education Department dated
02.07.1973

ORDER:

In the G.O. read above, it has already been
instructed to the Director of School Education that
those who wish not to mention their religion or
caste in the Secondary School Leaving Certificate
and Transfer Certificate be permitted to mention
'No Religion, 'No Caste' against those columns or
leave the columns blank. As it has come to notice
that this is not being duly followed, the Director
of School Education and the Director of Primary
Education are instructed to scrupulously follow the
instructions contained in the said G.O. in future
as well. It is also ordered that further, while
seeking admission or at any other time, when the
parents do not wish or unable to disclose the
religion and caste, the same need not be insisted
upon.

/By the order of the Governor/

M.A.GOWRISANKAR

Secretary to Government.

To

The Director of Primary Education, Chennai-6.

The Director of School Education, Chennai-6.

2. The learned counsel appearing for the petitioner submits that this Government Order is observed in breach and needs to be re-emphasised.

3. We are in agreement with the submission of the learned counsel for the petitioner and thus direct the respondents to circulate the Government Order giving wide publicity, so that such persons who do not want to declare their caste or religion are not compelled to do so.

4. In so far as the Transfer Certificate is concerned, we cannot issue a mandatory direction that caste should not be disclosed because some people may want to do so. However, if any person does not want the caste to be disclosed, we feel there is no need to mandatorily to do so, keeping in mind the aforesaid Government Order.

5. The writ petition, accordingly, stands disposed of. No costs.

bbr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Higher Education Department,
Fort St. George, Chennai-600 009.

2.The Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

+ 1 cc to Mr.S.Sathia Chandran, Advocate Sr 32898

KR/17/6/16

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