

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.8099 of 2016
and W.M.P.No.7224 of 2016

Gayathri Chhabria ... Petitioner

-vs-

1. The Secretary to Government
School Education Department,
Fort St. George, Chennai-9
2. The Director of School Education,
DPI Campus, College Road, Chennai.
3. The Director of Government Examinations,
DPI Campus, College Road, Chennai.
4. The District Educational Officer,
Chennai North
5. The Inspector of Matriculation Schools,
DPI Campus, College Road, Chennai.
6. Badankanwar Chainmal Surana
Jain Matriculation Higher Secondary School
Rep. by its Principal. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondent herein to grant exemption to the petitioner from the provisions of the Tamilnadu Compulsory Tamil Learning Act, 2006 and thereby permit the petitioner to write the petitioner's mother tongue Hindi as Part I Language in the ensuing 10th standard Board examination.

For Petitioner : Ms.Dakshayani Reddy
For Respondents : Mr.P.H.Aravind Pandian,
Addl. Adv. General,
assisted by Mr.K.Karthikeyan,
Govt. Adv. For RR 1 to 5

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O R D E R

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

The only question which arises for consideration in this matter is whether the request for exemption from taking the Tamil examination was delivered in time so as to get the benefit of our order in W.P.No.1262 of 2016, etc. (batch) dated 25.01.2016.

2.At page 6 of the typed set is the letter dated 24.07.2015 (much prior even to our order) seeking exemption which is from the Principal addressed to the Inspector of Matriculation Schools. The petitioner states that after obtaining the letter, the same was dropped in a box kept for such purpose. The fact remains, there is no acknowledgment, but then, in processes dealing with this aspect, there are a large number of communications received which may not have been acknowledged. The difficulty is that the letter does not appear in the record of the respondents.

3.In processing a large number of such cases, the possibility of something being missed out cannot be ruled out. The candidate is otherwise eligible. The candidate is stated to have shifted from Andhra Pradesh to Tamil Nadu only in the 9th class and that too on account of the demise of her father.

4.We are, thus, of the view, in the peculiar facts and circumstances of the case, the benefit of doubt must go to the petitioner, so that she is also able to seek exemption from taking Tamil examination.

5.Writ petition is, accordingly, allowed and exemption is granted. The procedure for exemption be followed. No costs. Consequently, W.M.P.No.7224 of 2016 stands closed.
sra

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

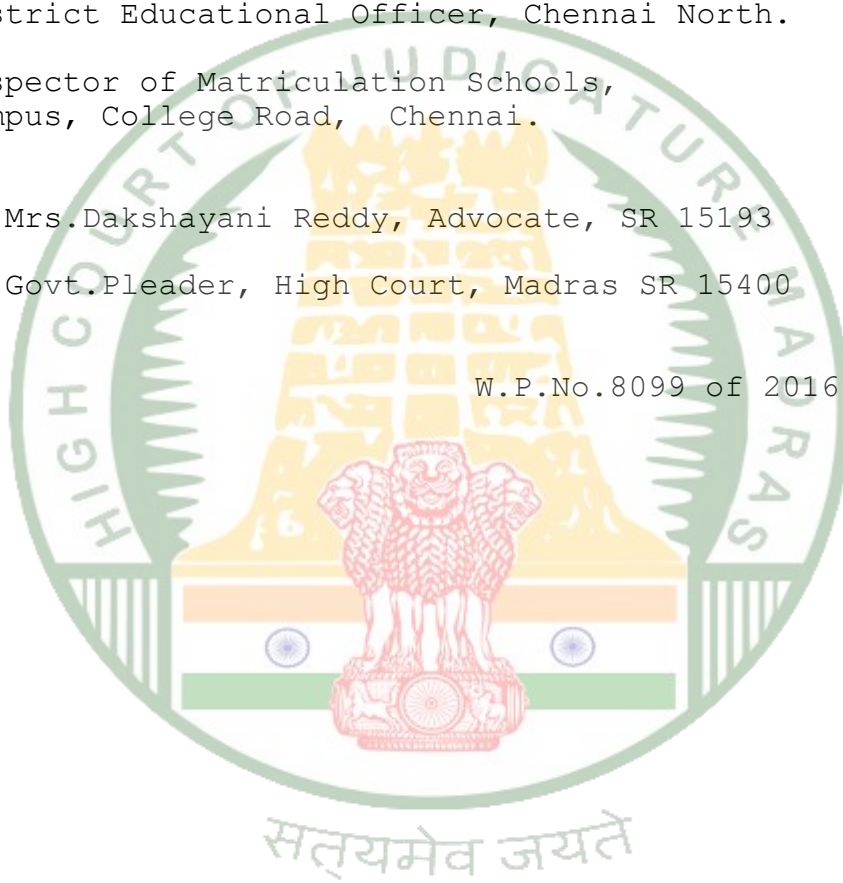
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+ 1 cc to Mrs.Dakshayani Reddy, Advocate, SR 15193

+ 1 cc to Govt.Pleader, High Court, Madras SR 15400

scd(co)
prk10/3

W.P.No.8099 of 2016



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