

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14194 of 2017

T.Dhanasekar

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St. George,  
Chennai - 09.

2. The Director,  
Tamil Nadu School Education,  
College Road,  
Chennai - 600 006.

3. The Chief Educational Officer,  
Tiruppur District,  
Tiruppur.

4. The Headmaster,  
Government Middle School,  
Palladam West,  
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India seeking to issue a Writ of Mandamus or any other Writ or Order or Direction in the nature of Writ directing the Respondents to sanction and appoint a Hindi Teacher for the Petitioner's son D.Marutharasan studying in the 4<sup>th</sup> Respondent School as third language based on the Petitioner's representation dated 01.04.2017.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.V.Anandhamurthy  
Additional Government Pleader

## O R D E R

This Writ Petition has been filed seeking for a writ of mandamus to direct the respondent to sanction and appoint a Hindi Teacher for the Petitioner's son D.Marutharasan studying in the 4<sup>th</sup> Respondent School as third language based on the Petitioner's representation dated 01.04.2017.

2. The case of the petitioner is that his son Marutharasan, is studying VI Standard at Government Middle School, Palladam West, in Tamil Medium. It is further stated that due to poor economic condition of the petitioner, his son is studying in the Government School. He is studying only two languages i.e., Tamil and English. The petitioner would further state that in the Government Schools, Hindi subject was not taught and Hindi Teacher is also not provided and due to which his son has denied the opportunity to study Hindi Subject.

3. It is further stated that Right to Education is a fundamental right envisaged under Article 21 A of the Constitution of India. The petitioner submit that in Unnikrishnan case, the Hon'ble Supreme Court had held that Right to Education should be of choice. He would further state that 80% of school going children in private schools are having the benefit of studying Hindi. All Government servants have their children enrolled in private schools and make their children learn Hindi. Hence, the petitioner sent a representation to the Respondents by RPAD to provide Hindi subject and Hindi Teacher for his son. Since, no action is forthcoming from the respondents, the petitioner has come forward with this writ petition seeking for the aforesaid relief.

4. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents.

5. The learned counsel appearing for the petitioner would submit that the representation of the petitioner dated 01.04.2017 may be directed to disposed of by the first respondent on merits and in accordance with law within a stipulated time.

6. The learned Additional Government Pleader appearing for the respondents, has no objection for such an order being passed by this Court.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, this Court without going into the

merits of the case, directs the first respondent to consider and dispose of the representation of the petitioner dated 01.04.2017, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Secretary,  
State of Tamil Nadu,  
Department of School Education,  
Fort St. George,  
Chennai - 09.
2. The Director,  
Tamil Nadu School Education,  
College Road,  
Chennai - 600 006.
3. The Chief Educational Officer,  
Tiruppur District,  
Tiruppur.
4. The Headmaster,  
Government Middle School,  
Palladam West,  
Tiruppur District.

+2cc's to Mr.M.Purushothaman, Advocate, S.R.No.41223

+1cc to the Government Pleader, S.R.No.41246

W.P.No.14194 of 2017

RR(CO)  
CA(20/06/2017)