

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.27825 of 2017
and
WMP.No.29819 of 2017

Montfort Anglo Indian Higher Secondary School,
Yercaud,
Salem District - 636 601.
rep by its Head masters
Bro.Soosai Alangaram, ... Petitioner

- Vs -

1. The Government of Tamil Nadu,
Represented 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,
Chief Educational Officer,
Salem.
5. The District Educational Officer,
Salem.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the fifth respondent dated 25.09.2017 in Proceedings No.Na.Ka.No.2949/A5/2017 and quash the same and further direct the respondents 1 to 4 to extend

the benefit of exemption to the students of the petitioner based on the representation of the petitioner dated 26.07.2017.

For Petitioner : Mr.Prabakaran
Senior Counsel
for Mr.K.R.R.Ayyapamani

For Respondents : Mr.A.Zakir Hussain
Government Advocate.

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

This writ petition seeks issuance of a Writ of Certiorarified Mandamus calling for the records of the fifth respondent dated 25.09.2017 in Proceedings No.Na.Ka.No.2949/A5/2017 and quash the same and further direct the respondents 1 to 4 to extend the benefit of exemption to the students of the petitioner school based on their representation dated 26.07.2017.

2. Petitioner is a school by name 'Montfort Anglo Indian Higher Secondary School'. Petitioner challenges the order of fifth respondent, The District Educational Officer, Salem, passed in Na.Ka.No.2949/A5/2017 dated 25.09.2017 whereby the fifth respondent grants exemption only to 6 out of 33 students studying in the petitioner institution to write the S.S.L.C. Examination during March 2018 and the applications of the other students were returned to the petitioner school. According to the fifth respondent, on the basis of the instructions received by the second respondent, exemption from writing examination in Tamil could be given only to those students, who have been admitted from other States in the Standard IX or XI and not to the students admitted in Standard VIII from other States. Challenging the order of the fifth respondent, the present writ petition is filed.

3. Heard learned Senior Counsel for petitioner and learned Government Advocate for respondents.

4. The learned counsel appearing for the petitioner brought to the notice of this Court that in identical circumstances, the first Division Bench of this Court has passed an order granting exemption to similarly placed students. Thus, the matter and issues are covered by the decision of this Court in WP No.28032 of 2016 etc., batch dated 27.02.2017. For easy understanding, we reproduce paragraphs 5 & 8:-

"5. In the year 2006, the State of Tamil Nadu has passed an Act, viz., The Tamil Nadu Compulsory Tamil Learning Act, 2006 (hereinafter referred to as the "Act"), whereby learning Tamil as Part-I language was made compulsory. Section 3 of the Act states that Tamil shall be taught as a subject in Standards I to IX in all schools, in a phased manner, commencing from the academic year 2006-2007 for Standard I, from the academic year 2007-2008 for Standards I and II and shall be extended upto X standard in a like manner. Section 5 of the Act states that the Government may, subject to such conditions as they deem fit, by general or special order, exempt any class or category of student or students from all or any of the provisions of the Act, either in part or in whole.

8. In order to ease the anxiety of the students, especially in the case of students studying languages other than Tamil, as the medium of instruction, we are of the considered opinion that necessary interim orders will have to be passed in the present cases. Accordingly, for the time being, we exempt the candidates who had sought exemption, from taking the "Tamil" examination for the year 2016-2017. We are passing this order to prevent the necessity of the concerned students approaching this Court at the last stage on the verge of writing the examination. Further, the applications made by the concerned students, which are pending consideration, shall be considered by the respondent Government, and necessary orders be passed in the light of Section 5 of the act, within a period of two days from today".

5. In the light of the order dated 27.02.2017 passed in WP No.28032 of 2016 etc., batch, the present writ petition is disposed of with a direction to the respondents to exempt the candidates who had sought exemption, from taking the "Tamil" examination for the year 2017-2018 and the applications made by the petitioner institution shall be considered by the respondents and necessary orders be passed in the light of Section 5 of the Act, within a period of two days from today. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

TO

1.The Principal Secretary,
The Government of Tamil Nadu,
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.

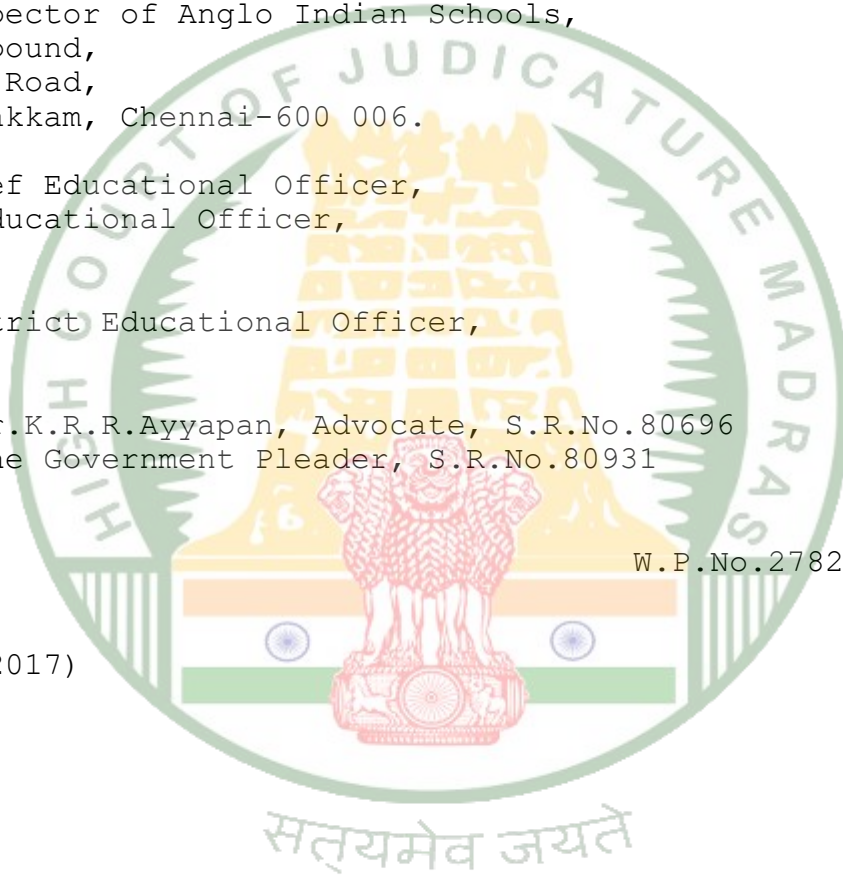
4.The Chief Educational Officer,
Chief Educational Officer,
Salem.

5.The District Educational Officer,
Salem.

+1cc to Mr.K.R.R.Ayyapan, Advocate, S.R.No.80696
+1cc to the Government Pleader, S.R.No.80931

W.P.No.27825 of 2017

KJI (CO)
GN(17/11/2017)



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