

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

CORAM :

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

W.P. No.28034 of 2016

The Organization of Muslim Edul.
Institution & Assn. Of TN (OMEIAT)
rep. by the General Secretary, Dr.S.Sathikh ... Petitioner

-Vs-

1. State of Tamilnadu,
rep. by its Principal Secretary to
Govt., School Education Dept.,
Secretariat, Chennai-9.
 2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
 3. The Director of Government Examinations,
DPI Campus, College Road,
Chennai-6.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents herein to include minority languages other than Tamil as one of the compulsory papers for Paper II under Part I to get a pass mark in the Xth Standard Public Examinations.

For Petitioner : Mr.M.Ravindran, Senior Counsel
for Mr.Krishna Ravindran

For Respondents : Mr.V.Ayyadurai,
Additional Advocate General
assisted by
Mr.T.N.Rajagopalan,
Special Government Pleader

O R D E R

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

The petitioner, an organization of the Muslim Educational Institutions, claiming right as a minority institution to propagate its language seeks a Writ of Mandamus directing respondents to include the minority language other than Tamil as one of the compulsory papers for Paper-II under Part I of Section 3 sub-section (2) of the Tamil Nadu Learning Act, 2006 (hereinafter referred to as 'the said Act').

2. We have heard the learned counsel for parties for some time.

3. The said Act, as per its object, was enacted to provide a learning of Tamil as one of the subjects in all schools in the State of Tamil Nadu. Since a policy decision was taken by the State Government to ensure all students studying in Standard I to X in all schools in the State to learn Tamil as one of the subjects in a phased manner, the said Act had been enacted.

4. The contention of the learned Senior Counsel for the petitioner is that sub-section (1) of Section 3 provides for a phased manner of commencement of teaching of Tamil. Sub-section (2), for the purposes of sub-section (1) provides the pattern of education that is to follow. In this pattern, Part-I has Tamil as compulsory language, Part-II has English as compulsory language, Part-III is in respect of other subjects like Mathematics, Science, Social Science, etc. and Part-IV gives the students who do not have either Tamil or English as their mother tongue to study their mother tongue as an optional subject. Learned Senior Counsel, thus, contends that the scheme permits the students of a minority institution not to even obtain pass marks in the third language which would be their mother tongue. It is, thus, his submission that over a period of time, this would result in practically extinguishment of their language, which, in a federal polity of the Indian Constitution is something which should not be countenanced. He contends that as a matter of fact there are persons who may have mother tongue other than Tamil and would be the residents of the State. Encouragement of Tamil should not imply discouragement of other language.

5. Learned Senior Counsel for the petitioner has drawn our attention to the practices in other States and for 12 States, it is pointed out that there is a third language formula adopted. Tamil itself has been provided as the first language in case of persons who have the said language as their mother tongue in Andhra Pradesh, Karnataka, Madhya Pradesh and West Bengal.

6.In a nutshell, what is pleaded is that without taking away from the requirement of Tamil being a compulsory language in Part I, in respect of minority institutions, the students who do not have Tamil or English as their mother tongue could be required to study that subject under Part I head, i.e. it would be treated as compulsory and requiring minimum marks to be obtained.

7.The aforesaid would be a policy decision to be taken by the respondents and thus, we call upon the respondents to examine this issue and take a decision on the same within two (2) months from the date of receipt of the order.

Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Principal Secretary to
Govt. of Tamilnadu,
School Education Dept.,
Secretariat, Chennai-9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
3. The Director of Government Examinations,
DPI Campus, College Road,
Chennai-6.

SCD(CO)
CA(09/02/2017)

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