

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30664 of 2017
and

W.M.P.No.33575 of 2017

Stanes Anglo Indian Higher Secondary School,
Coonoor,
Nilgiris District.
Represented by its Principal & Correspondent,
Mr.Glenn Croning

... 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 Office,
Ootacamund,
Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to grant exemption to those students of the petitioner school namely (1) Leonard De Mark (2) Monish R from compulsorily writing the Tamil language papers in 10th standard public examination under Part-I in March 2018 for the academic year 2017-18.

For Petitioner : Mr.B.Raviraja

For Respondents : Mr.P.H.Aravind Pandian
Additional Advocate General

O R D E R

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

Petitioner school seeks issue of a Writ of Mandamus directing respondents to grant exemption to students of the petitioner school namely (1) Leonard De Mark (2) Monish R from compulsorily writing the Tamil language papers in 10th standard public examination under Part-I in March 2018 for the academic year 2017-18.

2. Heard learned counsel for petitioner and learned Additional Advocate General for respondents.

3. It is submitted that the student by name Leonard De Mark S/o.Deena Babu has joined the petitioner school in the year 2015 and in VIII standard and Monish R S/o.R.Suresh Babu has joined the petitioner school in the year 2016 and in IX standard. In passing orders in W.P.No.43280 of 2016 on 03.01.2017, the First Bench of this Court ordered as follows:

'A fresh government order has been issued dated 2.1.2017. To remove the possibility of any doubt over the interpretation of that government order, the learned Advocate General is in agreement with the understanding of this Court of the Government Order that effectively unless a person has had the benefit of studying Tamil for a period of three academic years before taking the examination, he would not be tested in the Tenth Class in that subject and will be provided exemption.

2. The result of the aforesaid insofar as the present writ petition is concerned is that students at Serial Nos.(1) and (3) on Page (38) of the typed set would be entitled to the exemption, but the student at Serial No.(2), who would have studied Tamil for a period of three academic years before taking the examination, would not be entitled to the exemption.

We, thus, accordingly dispose of the petition leaving the larger question qua the second student open in view of the petitioners in other petitions seeking to agitate the matter even in respect of the students who have studied Tamil for a period of three academic years. No costs. Consequently, W.M.P.No.37121 of 2016 is closed.'

On the above understanding, Monish R S/o.R.Suresh Babu is entitled to exemption from writing the Tamil language in the ensuing X standard public examination for the year 2017-2018.

4. Regards Leonard De Mark S/o.Deena Babu, we may refer to the order of this Court in W.P.No.28032 of 2016 etc. batch dated 27.02.2017 whereunder this Court has been pleased to grant relief in similar circumstance. We reproduce paragraph Nos.5 and 8 of such order:

'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.'

In the light of the order above referred to, this Writ Petition is disposed of with a direction to respondent to exempt Leonard De Mark S/o.Deena Babu, who has sought exemption, from taking the 'Tamil' examination for the year 2017-18 and the applications made by respondents and necessary orders be passed

in the light of Section 5 of The Tamil Nadu Compulsory Tamil Learning Act, 2006, on or before 31.01.2018. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The Principal Secretary,
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 Office,
Ootacamund,
Nilgiris District.

+ 1 cc to Mr.B.Raviraja Advocate,SR.886
+ 1 cc to The Govt.Pleader, SR.1111

W.P.No.30664 of 2017

nr 25/01/2018

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