

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM  
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.33424 of 2017

and

W.M.P.No.36914, 36915 and 36916 of 2017

- 1.C.Priya Singh  
minor represented by father and natural guardian,  
Chandraban Singh  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 2.S.Ankita Lal  
minor represented by father and natural guardian,  
Sahadeolal,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 3.N.Jyothi Kumari  
minor represented by father and natural guardian,  
Naresh Mandal  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 4.R.Manisha  
minor represented by father and natural guardian,  
Ramesh  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 5.K.Manju  
minor represented by father and natural guardian,  
Kaluram Choudhary  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 6.Neha Pal  
minor represented by father and natural guardian,  
Shyam Sundar,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.

- 7.S.Sana  
minor represented by father and natural guardian,  
Md.Shaukat Ali,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 8.S.Swathy  
minor represented by father and natural guardian,  
Santosh Kumar Mishra,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 9.R.Uma Kumari,  
minor represented by father and natural guardian,  
Rajesh Kumar,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 10.Amarjith Kumar,  
minor represented by father and natural guardian,  
Premchand Choudhary,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 11.A.Anish,  
minor represented by father and natural guardian,  
Ajay Kumar,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 12.S.Pranjal Rai,  
minor represented by father and natural guardian,  
Santhosh Kumar Rai,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 13.P.Sujith Kumar,  
minor represented by father and natural guardian,  
Pramod Kumar,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 14.B.Kiran,  
minor represented by father and natural guardian,  
N.Bhikapuri,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.

- 15.K.Pooja,  
minor represented by father and natural guardian,  
S.Kishore,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 16.S.Pooja Bohra,  
minor represented by father and natural guardian,  
R.Suresh Chand Bohra,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 17.P.Sakshi Kumari,  
minor represented by father and natural guardian,  
Pawan Kumar Pathak,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 18.R.Deepak,  
minor represented by father and natural guardian,  
M.Ramesh,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 19.M.Mahammad Asif Ali,  
minor represented by father and natural guardian,  
Mahammad Malik,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 20.J.Pawan Giri,  
minor represented by father and natural guardian,  
Jogender Giri,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 21.Prajwal R.Jain,  
minor represented by father and natural guardian,  
Rakesh Jain,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 22.K.Rakesh,  
minor represented by father and natural guardian,  
N.Kulbhathur,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.
- 23.R.Santhosh,  
minor represented by father and natural guardian,

Raj Kumar,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013.

24.A.Sushobith Shreevasthav,  
minor represented by father and natural guardian,  
Anil Kumar Shreevashtav,  
Shree G.K.Jain Higher Secondary School,  
Royapuram, Chennai - 600 013. ... Petitioners

- Vs -

- 1.State of Tamil Nadu represented by its  
Principal Secretary to Government,  
School Education Department,  
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai - 600 006.
- 3.The Director of Government Examinations,  
College Road, Chennai - 600 006.
- 4.The Chief Educational Officer,  
O/o.Chief Educational Office,  
Panakal Building,  
Saidapet, Chennai - 600 015.
- 5.Shree G.K.Jain Higher Secondary School,  
represented by its Correspondent,  
Royapuram, Chennai - 600 013.
- 6.The District Educational Officer,  
Chennai (East),  
Chennai - 600 094.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent in Na.Ka.No.4941/A3/2017 dated 07.11.2017 and the consequential order of the sixth respondent in Na.Ka.No.4575/A2/2017 dated 20.11.2017 and quash the same and consequently, direct respondents to grant the petitioners with exemption from the implementation of Tamil Nadu Compulsory Tamil Learning Act, 2006.

For Petitioners : Ms.Dakshayani Reddy  
For Respondents : Mr.P.H.Aravind Pandian  
Additional Advocate General assisted by  
Thankavadhana Balakrishnan,  
Additional Government Pleader

O R D E R  
[Order of the Court was made by C.T.SELVAM, J]

Petitioners seek issuance of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent in Na.Ka.No.4941/A3/2017 dated 07.11.2017 and the consequential order of the sixth respondent in Na.Ka.No.4575/A2/2017 dated 20.11.2017 and quash the same and consequently, direct respondents to grant exemption from the implementation of Tamil Nadu Compulsory Tamil Learning Act, 2006.

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

3. Learned counsel for petitioners submits that petitioners have sought exemption from taking the Tamil paper as a compulsory subject in the ensuing public examination. Learned counsel submits that petitioners had all undergone their primary education in Hindi medium. When petitioners were admitted into the sixth standard in the fifth respondent school, they had undergone education in Hindi. Till 2015, there were no Tamil teaching teachers in the fifth respondent school and only in 2016, Tamil teaching teachers were appointed. Learned counsel submits that fifth respondent school, being an aided school and Tamil teaching teachers have been appointed only in 2016, petitioners ought to have been granted exemption. Petitioners are similarly placed like students migrating from other States since their mother tongue is Hindi. Submitting as above, learned counsel prays that this Court allow the writ petition.

4. Besides submitting that the students, on whose behalf exemption is sought, have had sufficient exposure to the Tamil language as would enable them to take the Tamil examination paper, learned Additional Advocate General placed before us a 'visit report' of the District Educational Officer, Chennai East, Chennai dated 18.01.2018. The same reads as follows:

'Out of the 24 students of Shree Gouthamchand Kothari Jain Higher Secondary School, Chennai - 13 who had applied for the exemption from writing Tamil in SSLC 2018 Examination, 19 students were admitted in Class VI during 2013-14, 1 student was admitted in Class VII during 2014-15 and 4 students were admitted in Class VIII during 2015-16. A Tamil teacher Mr.Leo Jothi Bose - BT was appointed on 11.3.2017 - A.N. by the Chief Educational Officer, Chennai - 15 on grounds of deployment due to surplus post from St.Gabriel's Hr.Sec.School. Tamil Text Books were distributed to these students accordingly in time enabling them to learn Tamil. Quarterly Examination, Half Yearly

Examination and Mid-Term Tests in Subject Tamil also were promptly conducted.

During the Annual Inspection in the Academic year 2017-18 it was observed that the Tamil was taught to these students.'

5. In upholding the Tamil Nadu Tamil Learning Act, 2006, in the decision in K.R.Ramaswamy @ Traffic Ramaswamy and others vs. State and others [2007 (5) CTC 113], the understanding of this Court has been that a scheme towards making learning of Tamil compulsory was envisaged. It informed:

'34. While judging the constitutionality of the provision, the Court must also keep in mind the scheme of the Act. It is not as if the Tamil language is introduced as a compulsory subject in Part-I of Section 3 of the Act to students of all standards simultaneously at one stretch. The scheme contemplates that the Tamil is made compulsory language for the students of Standard I commencing from the academic year 2006-2007. Those students should learn Tamil as compulsory language from the second academic year viz. 2007-2008 and for their next academic year they should learn Tamil as compulsory language from Standard III. Likewise, the students who have been admitted for the academic year 2006-2007 should start learning Tamil as compulsory subject in Part-I and learn the same as a compulsory language till he goes to Standard X. By the above process of introduction of Tamil as compulsory language in Part-I in a phased manner from Standards I to X, a student who is taught Tamil from Standard I is not over-burdened and could learn the Tamil language at ease.'

(underlining supplied)

6. Taking into consideration the observations of this Court in the decision above referred to as also the 'visit report', we are of the view that requiring students, exemption for whom is sought, to take Tamil paper as a compulsory subject in the ensuing X standard examination would be unjustified.

In the circumstances, the Writ Petition is allowed. The order of the fourth respondent in Na.Ka.No.4941/A3/2017 dated 07.11.2017 and the consequential order of the sixth respondent in Na.Ka.No.4575/A2/2017 dated 20.11.2017 are quashed. Petitioners are exempted from taking the 'Tamil' examination in the ensuing 2017-18 X standard public examination. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

gm

Sub Assistant Registrar

To

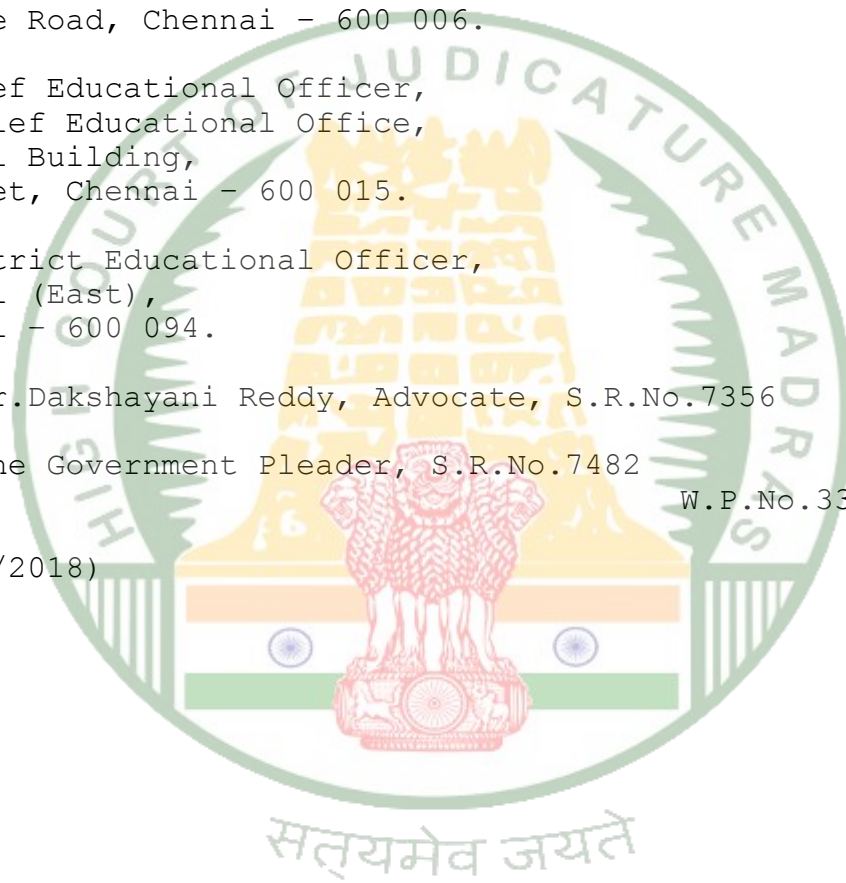
- 1.The Principal Secretary to Government,  
School Education Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai - 600 006.
- 3.The Director of Government Examinations,  
College Road, Chennai - 600 006.
- 4.The Chief Educational Officer,  
O/o.Chief Educational Office,  
Panakal Building,  
Saidapet, Chennai - 600 015.
- 5.The District Educational Officer,  
Chennai (East),  
Chennai - 600 094.

+1cc to Mr.Dakshayani Reddy, Advocate, S.R.No.7356

+2cc to the Government Pleader, S.R.No.7482

W.P.No.33424 of 2017

KAN(CO)  
RRK(02/02/2018)



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