

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.28032, 28033, 33351, 33352, 44780 of 2016
W.P.Nos.1510, 1511, 5666, 5667, 24850 of 2017
W.P.Nos.1546 of 2018 and W.A.No.151 of 2017
and connected Miscellaneous Petitions

- 1 LINGUISTIC MINORITIES FORUM
OF TAMILNADU REP. BY ITS CHAIRMAN DR.C.M.K.
REDDY HAVING OFFICE AT 306, POONAMALLEE
HIGH ROAD, KILPAUK,
CHENNAI 600 010.
... PETITIONER in WP No.28032 of 2016
- 1 THE ORGANIZATION OF MUSLIM
EDUL. INSTITUTION & ASSN. OF TN (OMEIAT) REP.
BY THE GENERAL SECRETARY DR.S.SATHIKH REG.
O/O. ANJUMAN CAMPUS, NO.16 B.N.REDDY ROAD,
T.NAGAR CHENNAI-17.
... PETITIONER in WP No.28033 of 2016
- 1 K.RADHAKRISHNAN
S/O.LATE K.KOYU RESIDING AT NO.177
MARIAMMAN KOVIL STREET, PAZHAYOOR,
PAPPANAICKANPALAYAM,
COIMBATORE-641 037.
... PETITIONER in WP No.33351 of 2016
- 1 SREE NARAYANA DHARMA
PARIPALANA YOGAM CSNDP YOGAM
KANYAKUMARI DISTRICT UNION,
REP BY ITS SECRETARY S.SATHEESHKUMAR,
SATHEESH BHAVAN, DEVICODE
CHERUVALLUR PO.
KANYAKUMARI DT.
... PETITIONER in WP No.33352 of 2016
- 1 CHINNA GUTTAPPA,
S/O.BYRAPPA ODDAPALLI,
DEVERAPALI- 635 103,
HOSUR TALUK, KRISHNAGIRI DISTRICT.
... PETITIONER in WP No.44780 of 2016

- 1 SRI SHARADA VIDYA MANDIR
MATRIC. HR.SEC.SCHOOL REP BY PRINCIPAL
S.MAMATHA OPP - TO SUB - TREASURY RAYAKOTTA
ROAD HOSUR, KRISHNAGIRI DISTRICT- 635 109.
- 2 R.AMBIKA
REP BY FATHER AND NATURAL GUARDIAN
G.RAMACHANDRA D.NO.2/26-2K
GANDHI ROAD 7TH
CROSS ZUZUVADI. HOSUR- 635 109.
- 3 C.J.SHREESHA
REP BY FATHER AND NATURAL GUARDIAN
C.S. JAYESH D.NO.15/30 LAKSHMI NARAYANA NAGAR
MAIN ROAD, HOSUR- 635 109.
- 4 AISHESH VISHNU SAGAR
REP BY FATHER AND NATURAL GUARDIAN VISHNU
SAGAR D.NO.HIG 163, PHASE-X RKHB,
HOSUR- 635 109.
- 5 ARADHANA DIWADI.S
REP BY FATHER AND NATURAL GUARDIAN SUBHAS
CHAND DUBEY D.NO.1/84 A-2 GOKUL COMPLEX
M.G.R.NAGAR, MOOKANDAPALLI,
HOSUR- 635 109.
- 6 ASHWIN VISHNU SAGAR
REP BY FATHER AND NATURAL GUARDIAN VISHNU
SAGAR D.NO.HIG 163 PHASE-X RKHB,
HOSUR- 635 109.
- 7 CHARISHMA K.S.
REP BY FATHER AND NATURAL GUARDIAN K.SEKHAR
D.NO.29/9-E 2ND CROSS MIN NAGAR,
HOSUR- 635 109.
- 8 DIMPLE PATEL.G
REP BY FATHER AND NATURAL GUARDIAN GORDHAN
PATEL MIG 628 NEW R.K.HUDCO,
HOSUR- 635 109.
- 9 MANISH VISHWAKARMA
REP BY FATHER AND NATURAL GUARDIAN GHANSHYAM
KARTHIKEYAN ILLAM, 1ST FLOOR 2ND CROSS
UMASHANKAR NAGAR, HOSUR- 635 109.
- 10 A.NARESH,
REP BY FATHER AND NATURAL GUARDIAN ADHURAM
D.NO.32 LIG OLD TEMPLE LAND HUDCO,
HOSUR- 635 109.

- 11 ROSHANI DAMODAR PATEL
REP BY FATHER AND NATURAL GUARDIAN DAMODAR
KARSAN PATEL PLOT NO.11 PRIYANKA NAGAR
NEAR VS AGENCY, KRISHNAGIRI ROAD,
HOSUR- 635 109.
- 12 P.SANJANA
REP BY FATHER AND NATURAL GUARDIAN T.PRAKASH
D.NO.29-1/ 11 A-9 SHANTHI NAGAR, 2ND
CROSS, HOSUR- 635 109.
- 13 N.DEEKSHITHA
REP BY FATHER AND NATURAL GUARDIAN NAGARAJA
REDDY D.NO.1-42-C NEW NO.3-320C NELLUR,
HOSUR- 635 125.
... PETITIONERS in WP No.1510 of 2017
- 1 DAVID SIRONMANI MATRICULATION
SCHOOL REP BY PRINCIPAL D.GEETHA ZUZUVADI
SIPCOT POST HOSUR,
KRISHNAGIRI DISTRICT- 635 126.
- 2 NANDHINI.N
REP BY FATHER AND NATURAL GUARDIAN R.NAGARAJ
M.G.ROAD ZUZUVADI, SIPCOT,
HOSUR- 635 126.
- 3 KEERTHANA.A
REP BY FATHER AND NATURAL GUARDIAN R.ANAND N.
T.R. CIRCLE, ZUZUVADI, SIPCOT,
HOSUR- 635 126.
- 4 SURYA. K.
REP BY FATHER AND NATURAL GUARDIAN KARAGAPPA
JAI BHEEM NAGAR ZUZUVADI,
SIPCOT, HOSUR- 635 126.
- 5 RAJESHMITHA PRADHAN.B
REP BY FATHER AND NATURAL GUARDIAN BISHU
PRADHAN M.G.ROAD, ZUZUVADI,
SIPCOT HOSUR- 635 126.
... PETITIONER in WP No.1511 of 2017
- 1 GURU DHRONACHARYA SCHOOL
OF EXCELLENCE 9 RAMJI NIVAS KAMARAJ
COLONY 1ST CROSS HOSUR 635 109 MANAGEMENT
FOR STUDENTS
... PETITIONER in WP No.5666 of 2017

1 SWATHY MATRICULATION HIGHER
SECONDARY SCHOOL 5/4 RAMJI NIVAS KAMARAJ
COLONY 1ST CROSS, HOSUR 635 109, MANAGEMENT
FOR STUDENTS 1 TO 10
... PETITIONER in WP No.5667 of 2017

I LINGUISTIC MINORITIES FORUM
OF TAMIL NADU REP.BY ITS CHAIRMAN
DR. C.M. K.REDDY HAVING OFFICE
AT 306 POONAMALLEE
HIGH ROAD, KILPAUK,
CHENNAI - 600 010.
... PETITIONER IN W.P.NO.24850 OF 2017

1 A.PAVAN KALYAN (MINOR)
S/O.ANANDHA REP BY FATHER AND GUARDIAN
ANANDHA VENKATAPURAM VILLAGE, DENKANIKOTTAI
TALUK, KRISHNAGIRI DISTRICT.

2 C.POORVAJA (MINOR)
D/O.CHINNAPPA REP BY FATHER AND GUARDIAN
CHINNAPPA NO.42 CHINNAKOOLLU AVALAPALLY
POST HOSUR TALUK, KRISHNAGIRI DISTRICT.

3 V.KAVYA (MINOR),
D/O.M.VENKATESH REP BY FATHER AND GUARDIAN
M.VENKATESH MADAGONDAPALLY, DENKANIKOTTAI
TALUK, KRISHNAGIRI DISTRICT.

4 R.KAVYA D/O.T.RAMESH (MINOR)
REP BY FATHER AND GUARDIAN T.RAMESH
MADAGONDAPALLY DENKANIKOTTAI TALUK,
KRISHNAGIRI DISTRICT.
... PETITIONER IN W.P.NO.1546 OF 2018

1 ZION MATRICULATION HIGHER,
SECONDARY SCHOOL KODAIKANAL REP BY ITS
CORRESPONDENT DR. KURIAN ABRAHAM P.O.BOX
NO.24 KODAIKANAL-624 101.

2 SALIHA.M
MUSLIM AGED 15 YEARS REP BY HER FATHER
MOHAMMED MUKKARRM 8/145 BLISS VILLA STREET
KODAIKANAL-624 101.

3 BERNICE ANN PHILLIP,
CHRISTIAN AGED 14 YEARS REP BY HER LOCAL
GUARDIAN FINNY JOHN PRICE LYVINCH ROAD
OBSERVATORY KODAIKANAL-624 101.

- 4 GARIGA RAMAKANTH,
HINDU AGED 15 YEARS REP BY HIS LOCAL
GUARDIAN JOY SUGIRDHA AMBROSE NADAR COTTAGE,
BLISS VILLA,
KODAIKANAL-624 101.
- 5 FEBA JAFLIN JOHN
CHRISTIAN AGED 15 YEARS REP BY HIS LOCAL
GUARDIAN FINNY JOHN PRINCE LYVINCH ROAD,
OBSERVATORY, KODAIKANAL-624 101.
- 6 NIKHIT ACHU PRAVEEN,
HINDU AGED 15 YEARS REP BY HER GUARDIAN
SHANKAR GANGABAGH M.M.STREET,
KODAIKANAL- 624 101.
- 7 JOHN MARTIN,
CHRISTIAN AGED 15 YEARS REP BY HIS LOCAL
GUARDIAN ANI LUKE BUILDING SOCIETY ROAD,
KODAIKANAL-624 101.
- 8 JOSHUA CHARLES
CHRISTIAN AGED 16 YEARS REP BY HIS LOCAL
GUARDIAN THANGARANI PACKIAPURAM HOUSE
NAIDUPURAM KODAIKANAL-624 101.
- 9 STANNY JOSEPH
CHRISTIAN AGED 15 YEARS REP BY HIS LOCAL
GUARDIAN ARTHUR DAVIDSON 39 JOSEPH STREET
TIRUNAGAR MADURAI.
- 10 ABIJITH K.S
HINDU AGED 15 YEARS REP BY HIS FATHER K.R.
SURESH DOOR NO.1010 SOUPARNIKKA ILLAM
GANGA COMPOUND ROAD KODAIKANAL-624 101.
- 11 KENAZ ANI GEORGE
CHRISTIAN AGED 15 YEARS REP BY HER LOCAL
GUARDIAN VELANGANNI 6/45 GANDHIPURAM,
S.S. COLONY, KODAIKANAL-624 101.
- 12 ERRIC BEN SANJAN
CHRISTIAN AGED 16 YEARS REP BY HIS LOCAL
GUARDIAN EBINEZER 4/38 C-2 ANANDAGIRI
4TH STREET, KODAIKANAL-624 101.
- ... APPELLANTS IN W.A 151 OF 2017

vs

- 1 STATE OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
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.

... RESPONDENT in WP No.28032 of 2016

1 STATE OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT, SCHOOL EDUCATION DEPARTMENT,
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.

... RESPONDENT in WP No.28033 of 2016

1 THE GOVERNMENT OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY SCHOOL
EDUCATION DEPARTMENT, ST. GEORGE FORT,
CHENNAI-600 009.

2 THE DIRECTOR SCHOOL EDUCATION,
D.P.I.COMPOUND, COLLEGE ROAD,
CHENNAI-600 006.

3 THE CHIEF EDUCATIONAL OFFICER,
COIMBATORE, COIMBATORE DISTRICT.

4 THE CORRESPONDENT/PRINCIPAL
C.M.S. HIGH SCHOOL (MALAYALAM), GANAPATHY,
COIMBATORE.

... RESPONDENT in WP No.33351 of 2016

1 THE GOVERNMENT OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY SCHOOL
EDUCATION DEPARTMENT, ST. GEORGE FORT,
CHENNAI-600 009.

2 THE DIRECTOR SCHOOL EDUCATION,
D.P.I COMPOUND, COLLEGE ROAD,
CHENNAI-600 006.

3 THE CHIEF EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.
... RESPONDENT in WP No.33352 of 2016

1 THE PRINCIPAL SECRETARY TO
GOVERNMENT SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600 009.

2 THE DIRECTOR OF SCHOOL
EDUCATION, DPI CAMPUS,
COLLEGE ROAD,
CHENNAI- 600 006.

3 THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI- 600 006.
... RESPONDENT in WP No.44780 of 2016

1 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600009.

2 THE DIRECTOR OF MATRICULATION
SCHOOLS COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI-600006.

3 THE DIRECTOR OF GOVERNMENT
EXAMINATIONS, COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI-600006.

4 THE INSPECTOR OF
MATRICULATION SCHOOLS, ROOM NO.305, 3RD
FLOOR, COLLECTORATE, SALEM.

5 THE CHIEF EDUCATIONAL
OFFICER, GOVT. BOYS HR.SEC. SCHOOL CAMPUS,
KRISHNAGIRI.

6 THE DISTRICT EDUCATIONAL
OFFICER, MULLAI NAGAR, RAYAKOTTAI ROAD,
HOSUR, KRISHNAGIRI DISTRICT.
... RESPONDENT in WP No.1510 of 2017

1 THE SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600009.

2 THE DIRECTOR OF MATRICULATION
SCHOOLS COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI-600006.

3 THE DIRECTOR OF GOVERNMENT
EXAMINATIONS COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI-600006.

4 THE INSPECTOR OF
MATRICULATION SCHOOLS, ROOM NO.305 3RD
FLOOR, COLLECTORATE, SALEM.

5 THE CHIEF EDUCATIONAL
OFFICER, GOVT. BOYS HR.SEC.SCHOOL CAMPUS,
KRISHNAGIRI.

6 THE DISTRICT EDUCATIONAL
OFFICER, MULLAI NAGAR, RAYAKOTTAI ROAD,
HOSUR, KRISHNAGIRI DISTRICT.

... RESPONDENT in WP No.1511 of 2017

1 THE SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT, FORT ST. GEORGE,
CHENNAI 600 009.

2 THE DIRECTION OF MATRICULATION,
SCHOOLS COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI 600 006.

3 THE DIRECTOR OF GOVERNMENT
EXAMINATIONS, COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI 600 006.

4 THE INSPECTOR OF MATRICULATION,
SCHOOLS ROOM NO.305 3RD FLOOR,
COLLECTORATE, SALEM.

5 THE CHIEF EDUCATIONAL OFFICER,
GOVT. BOYS HR.SEC. SCHOOL CAMPUS,
KRISHNAGIRI.

6 THE DISTRICT EDUCATIONAL OFFICER,
MULLAI NAGAR, RAYAKOTTAI ROAD,
HOSUR, KRISHNAGIRI.

... RESPONDENT in WP No.5666 of 2017

1 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT, FORT ST. GEORGE,
CHENNAI 600 009.

2 THE DIRECTION OF MATRICULATION
SCHOOLS COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI 600 006.

3 THE DIRECTOR OF GOVERNMENT
EXAMINATIONS, COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI 600 006.

4 THE INSPECTOR OF MATRICULATION
SCHOOLS ROOM NO.305, 3RD FLOOR,
COLLECTORATE, SALEM.

5 THE CHIEF EDUCATIONAL OFFICER,
GOVT. BOYS HR.SEC. SCHOOL CAMPUS, KRISHNAGIRI.

6 THE DISTRICT EDUCATIONAL
OFFICER, MULLAI NAGAR, RAYAKOTTAI ROAD,
HOSUR, KRISHNAGIRI.

... RESPONDENT in WP No.5667 of 2017

1 STATE OF TAMIL NADU
REP.BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
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 IN W.P.NO.24850 OF 2017

1 THE STATE OF TAMIL NADU
REP BY SECRETARY TO GOVERNMENT, SCHOOL
EDUCATION DEPARTMENT, FORT ST. GEORGE,
CHENNAI-09.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, NUNGAMBAKKAM,
CHENNAI-34.

3 THE DIRECTOR OF ELEMENTARY
EDUCATION, COLLEGE ROAD, NUNGAMBAKKAM,
CHENNAI-34.

... RESPONDENTS IN W.P.NO.1546 OF 2018

1 STATE OF TAMIL NADU
REP BY SECRETARY DEPARTMENT OF SCHOOL
EDUCATION, FORT ST. GEORGE, CHENNAI-600 009.

2 THE DIRECTOR OF TAMIL NADU
MATRICULATION SCHOOLS, DPI CAMPUS, COLLEGE
ROAD, CHENNAI-600 006.

3 THE CHIEF EDUCATIONAL
OFFICER, DINDIGAL DISTRICT, DINDIGAL.

4 THE INSPECTOR OF MATRICULATION SCHOOLS,
DINDIGAL DISTRICT, DINDIGAL.

... RESPONDENT in WA No.151 of 2017

Writ Petitions are filed under Article 226 of the Constitution of India, issuance of a writ of Certiorarified Mandamus to,

Prayer in WP No.28032 of 2016:

calling for the records pertaining to the guidelines issued in Letter (MS) No.134, dated 18.7.2016 and quash the same and consequently direct the respondents to grant exemption to students studying in linguistic minority member schools from writing the Tamil language papers in 10th Standard Public Examination under Part I from the Academic year 2016-17 till the Academic year 2023-24.

Prayer in WP No.28033 of 2016:

calling for the records pertaining to the guidelines issued in Letter (MS) No.134, dated 18.7.2016 and quash the same and consequently direct the respondents to grant exemption to students studying in linguistic minority member schools from writing the Tamil language papers in 10th Standard Public Examination under Part I from the Academic year 2016-17 till the Academic year 2023-24.

Prayer in WP No.33351 of 2016:

to call for the records of the impugned communication issued by the 1st respondent, in Letter (Ms) No.134 dated 18.07.2016, to the 2nd respondent, which was routed to all schools in Coimbatore District through the 3rd respondent and quash the same as illegal and consequently direct the respondents to grant exemption, to all students, who already learnt Malayalam as their Part-I Language, from the implementation of the Tamil Nadu Tamil Learning Act, 2006 and thereby exempt them from learning Tamil Language in Part-I Language and thereby permit them to take part, in all ensuing examinations including Public Examinations in Malayalam Language in Part-I concerned.

Prayer in WP No.33352 of 2016:

to call for the records of the impugned communication issued by the 1st respondent, in Letter (Ms) No.134 dated 18.07.2016 to the 2nd respondent, which was routed to all schools in Kanyakumari District through the 3rd respondent,

and quash the same as illegal and consequently direct the respondents to grant exemption, to all students who already learnt Malayalam as their Part-I language, from the implementation of the Tamil Nadu Tamil Learning Act, 2006 and thereby exempt them from learning Tamil Language in Part I language and thereby permit them to take part, in all the ensuing examinations including Public Examinations, in Malayalam Language in Part I concerned.

Prayer in WP No.44780 of 2016:

Calling for the records of the first respondent in Letter No.134, dated 18.07.2016, quash the same and consequently direct the respondents to grant exemption to the students who have been admitted into standard I in Government Telugu Medium Schools prior to the academic year 2013-2014 from the provisions of the Compulsory Tamil Learning Act, 2006 i.e. the Act of 13 of 2006.

Prayer in WP No.1510 of 2017:

calling for records relating to the 6th respondents proceeding made in impugned order Na. Ka. No. 2927/A2/2016, dt 29.12.2016 quash the same and to consequently direct the respondents to grant exemption from insisting for appearance in Tamil Language Exam under Part 1 for the ensuring 10th Standard Public Exam during March-April, 2017.

Prayer in WP No.1511 of 2017:

calling for records relating to the 6th respondents proceeding made in impugned order Na. Ka. No. 2927/A2/2016, dt 29.12.2016 quash the same and to consequently direct the respondents to grant exemption from insisting for appearance in Tamil Language Exam under Part 1 for the ensuring 10th Standard Public Exam during March-April, 2017.

Prayer in WP No.5666 of 2017:

directing the respondent to consider giving the petitioner exemption from writing the Tamil Language Exam in Part one language as required by Letter MS No.134 dated 18.7.2016 and implementation of the Tamilnadu Tamil learning Act, 2006 as the matter of right.

Prayer in WP No.5667 of 2017:

calling for the records pertaining to the guidelines issued in letter (MS) 134 dated 18.07.2016 and quash the same and consequently direct the respondent to grant exemption to student studying in linguistic minority member schools from writing the Tamil Language papers in the 10th Standard public examination under part-I from the academic year 2016-2017 till the academic year 2023- 2024 directing the respondent to

consider giving the petitioner exemption from writing the Tamil Language Exam in Part one language as required by Letter MS No.134 dated 18.7.2016 and implementation of the Tamilnadu Tamil learning Act, 2006 as the matter of right.

Prayer in WP No.24850 of 2017:

directing them to permit the Linguistic Minority Student studying in all schools in Tamil Nadu to write their mother tongue under Part-I in the 10th Standard Public Examination to be held from march 2018 to March 2024 and further direct that from the year 2024 onwards to permit the Linguistic Minority students to write one Paper under Part - I in the 10th standard public examination in their Mother Tongue.

Prayer in WP No.1546 of 2018:

to direct the Respondents to consider the representations of the petitioners dated 21.07.2017 and 22.07.2017 to exempt under section 5 of Act 13 of 2006 (Tamil learning Act 2006) from taking Tamil as a part I Subject in the X Standard Board Examinations for the academic year 2017-18.

Prayer in WA No.151 of 2017:

To set aside the order of the Learned Judge passed in W.P.No.43827 of 2016 dated 24.01.2017

Prayer in WP No.43827 of 2016:

Calling for the records of the 2nd respondent in Na.Ka.No. 3230/A1/2016 dated 10.11.2016 and quash the same and consequentially direct the respondents to grant exemption to petitioner 2 to 12 under section 5 of the Tamil Learning Act to write their 10th Std Public Examinations to be conducted in March 2017.

For Petitioner: Mr.Krishna Ravindran
in W.P.No.28032/2016 and
28033 of 2016

Mr.D.Ramnesh Kumar
in W.P.1510 and 1511 of 2017

Mr.T.G.V.Aravamudhan
in W.P.No.5666 and 5667 of 2017

Mr.C.Kishore
in W.P.33351 and 33352 of 2016

Mrs.Dakshayani Reddy
in W.P.No.44780 of 2016

Mr.Krishna Raveendran
in W.P.No.24850 of 2017

Mr.G.M.Ananthakumar
in W.P.No.1546 of 2018

Mr.P.Soloman Francis
in W.A.No.151 of 2017

For Respondents :Mr.P.H.Aravindh Pandian AAG
Assisted by Mr.C.Munusamy Special
Government Pleader (Education)
in all the Petitions

C O M M O N O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

The common cause espoused in all the writ petitions is the challenge to the guidelines issued in Letter (Ms) No.134 dated 18.7.2016 and for a direction to the respondents to grant exemption to the students studying in linguistic minority member schools from writing Tamil language papers in 10th Standard Public Examination. Hence they were clubbed together, arguments were heard jointly and being disposed of by this common order.

2. Though the relief sought for by the petitioners is common, for brevity, facts of writ petition in W.P. No.28032 of 2018 alone, is narrated herein below.

3. The petitioner is a registered charitable Trust, under the provisions of Indian Trust Act, 1882. Earlier, a similar linguistic minority Association, viz., the Organisation of Muslim Educational Institution and Associations of Tamil Nadu (OMEIAT) has filed W.P.No.18019 of 2014, seeking for a writ of mandamus directing the respondents therein to consider the representation of the Petitioner dated 30.05.2014 and for other suitable orders. Subsequently, the petitioner Trust was impleaded as the 4th Respondent in the said writ petition, vide order dated 23.11.2015 made in M.P. No.1 of 2014 in W.P. No.18019 of 2014. The present issue revolves around the complications that have arisen due to the non-implementation of the Tamil Learning Act, 2006 vis-a-vis the rights and liabilities of linguistic minority students and other X standard students in general in Tamil Nadu. The question of applying for exemption came up during the hearing before the Hon'ble Bench presided over by the Hon'ble Chief Justice. The Hon'ble First Division Bench of this Court, was pleased to mention at paragraph 3 of their order, dated 23.11.2015, as follows:

"We have impressed upon the learned Advocate General that keeping in mind that the Rules have

been brought into force only in the year 2012 and the issue relates to the fate of the students who should not suffer, a liberal approach is mandatorily required, especially at the inception stage of introduction of the scheme to ensure that they do not face any harassment and that he must, in turn, impress upon the competent authority that these principles are to be kept in mind while dealing with the applications. Further, we call upon competent authority to deal with the applications within a period of six (6) weeks from today because we have granted two (2) weeks' time for moving any further application".

4. The petitioner has further submitted that, it was only after the order passed by the Hon'ble Division Bench, the students have applied through their respective Head Masters to the Competent Authority mentioned in G.O.M.S.No.104, dated 20.04.2012, seeking for exemption. If the Government has submitted before the Hon'ble Division Bench, that it was not willing to consider applications for exemption favourably, the Writ Petitioners would have argued the case fully. Those who have present in the Court on 23.11.2015, have understood that the Government would consider favourably the applications for exemption filed by students/parents. The order passed by the 1st Respondent is contrary to the understanding arrived at on 23.11.2015. All the Writ Petitioners have submitted before the Court that the Government have to appoint Tamil teachers and pay their salaries, the Petitioners have filed voluminous documents to show that Tamil teachers have not been appointed in several schools or appointed in a few schools only, that too, in the year 2014, after filing of the earlier Writ Petition.

5. The petitioner has further submitted that thousands of students of their schools have filed a detailed requisition to the Competent Authority, namely, the respective District Educational Officer of their District, as contemplated under the G.O. Ms.No.104, dated 20.04.2012. The representation contains that medium of instruction for these students is not Tamil language and that they have not been taught Tamil language as a subject in their school, because there are no Tamil Teachers appointed by the Government to teach Tamil and therefore, the Students have no opportunity to learn Tamil language and requested for exemption.

6. The petitioner has further submitted that the rejection order is non-est in Law, since the officer who has passed the order has no authority, under section 4(1) of the Act 13 of 2006. The Government of Tamil Nadu have issued G.O.Ms.No.104, dated 20.04.2012, appointing competent authorities for Nursery and Primary Schools, Primary and Middle Schools, Matriculation Schools, Anglo Indian Schools, High Schools, Higher Secondary Schools and Oriental Schools.

The said G.O. has been signed by Ms.D.Sabitha, Principal Secretary to the Government who has now passed the order. Section 4(1) of the Act reads as follows:

"The Government may, by notification, appoint any officer of the Education Department not below the rank of District Educational Officer to be competent authority for the purposes of carrying out the provisions of this Act and the rules made thereunder and different competent authorities may be appointed for different areas".

The Principal Secretary to the Government is not a competent authority as mentioned in the said G.O.

7. The petitioner has further submitted that the Government was not serious in implementing the Act from the very beginning. Government have issued G.O. dated 15.10.2010 directing that the minority language has to be taught in 4 periods in a week and text books will be supplied and examination in minority language will be conducted but the mark obtained in the minority language will not be taken for consideration for a pass mark in the 10th Standard Public Examination. A model mark sheet for 10th Std was also enclosed in the said G.O. After representations were made by the linguistic minority groups, the Hon'ble Chief Minister issued a statement on 25.02.2011, which was incorporated in the G.O. dated 28.02.2011. By this G.O., the Government directed that the students could learn minority languages along with Tamil as a subject and a minimum mark as prescribed for a pass in Tamil, would also be prescribed for a pass in the minority languages. Thus, the Government was not sure of its policy of education whether to implement 2 language formula or 3 language formula, even 5 years after passing of the Act. The very fact that the rules were framed in the year 2012, ie., 6 years after the enactment came into force, will prove that the Government was not serious. Further, the government order appointing the Competent Authority, was issued on 20.04.2012, published in the Gazette dated 09.05.2012.

8. Till the last date of hearing, the Government took the stand that they have been appointing Tamil Teachers and they even filed some appointment orders in their Typed Set of papers. On the last date of hearing, the Government have turned back and said that under section 14(A) of Tamil Nadu Recognised Private Schools Regulations Act, 1973, the Government was not obligated to pay grant after the year 1992, which is factually incorrect, because, a reading of Section 14(A) will show that if the recognized private schools are directed by the Government to open a class, the Government is bound to give grant. The class for teaching Tamil is not voluntarily opened by the Private Schools, but only due to the compulsion by the State Government. Since, it is a policy decision of the State Government to implement the Tamil Learning Act, 2006 compelling the Private Schools which

otherwise impart education in their mother tongue such as Telugu, Malayalam, Kannada, Hindi, Sanskrit, Arabic, Urdu and Rajasthani, the Government is bound to sanction the appointment of Tamil teachers and it is bound to pay grant towards salaries to be paid to Tamil teachers. The private minority schools which are being administered by Trusts or Linguistic Minority Associations are already facing great financial hardship and it will be a great burden if they are compelled to pay salaries to Tamil teachers. Since it is a decision taken by the State Government to impart Tamil even in Linguistic Minority Schools, the State Government is bound to reimburse the expenditure incurred towards appointing Tamil teachers in these schools.

9. According to the petitioner, the rejection order states that parents of the students ought to have submitted requisition for exemption from writing Tamil Paper through the Headmaster in the year 2011-12, when Tamil was introduced in the 6th standard as per the provisions of Tamil Learning Act, 2006. Section 5 of the Act reads as follows,

"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 this Act either in part or in whole".

This section does not say the Students/Parents should apply for exemption in 6th Standard itself. Further, the rules were framed and the relevant competent authorities were appointed only in August 2012.

10. In the typed Set of papers filed by the Government, while making an attempt to show Tamil Teachers have been appointed, some appointment orders have been enclosed, which shows that several teachers who do not possess the required qualification have been appointed to teach Tamil. In some schools, Telugu teachers and Science teachers have been asked to teach Tamil. The Petitioner has submitted that in the Typed Set filed by the Government during the hearing on 23.11.2015 in W.P.No.18019 of 2014, it was mentioned that Telugu Teachers are teaching Tamil language in many schools, which shows that the Government was not serious in implementing the Act. Therefore, the petitioner has prayed for a direction to the Government to file the details of appointment orders issued, district wise, with the qualification of the teachers in the linguistic minority schools including Government Schools in Chennai, Thiruvallur, Kancheepuram, Vellore, Krishnagiri, Dharmapuri, Erode and Villupuram Districts.

11. In this regard, the Petitioner has given a detailed representation, dated 27.10.2010, stating that the 2006 Act had not been implemented. Tamil text books have not been supplied, Tamil teachers have not been appointed and no Tamil annual tests were conducted in any of the Government aided or

Government run primary linguistic minority schools and etc., These facts have even been recorded in G.O.Ms.No,316 dated 15.12.2010 which mentions about the discussion and request of the Petitioner Association. In the letter, dated 06.01.2011 written by the Director of School Education, Chennai, to the Principal Secretary to Government, School Education Department, request of the Petitioner was discussed, neither any action was taken nor any reply was given. The Government have never denied or replied to these representations

12. The petitioner has again sent a detailed representation, dated 16.08.2011 to the Hon'ble Chief Minister of Tamil Nadu, wherein also, the petitioner has reiterated the same issues and the same was acknowledged by the office of the Hon'ble Chief Minister of Tamil Nadu, vide letter, dated 31.10.2011, informing that the Petitioner's representation was forwarded to Directors of School Education and Elementary Education, for necessary action. The respondents did not take any action on the above representation. It is pertinent to mention here that the Tamil Learning Act, 2006, prescribes that the Tamil Language should be taught as a subject in standards I to X in all schools. G.O.Ms.No.21, dated 01.02.2010, issued by the School Education Department states that Tamil should be taught as a compulsory subject from VI to X standard in all the Schools. There is conflict between Tamil Learning Act and G.O.Ms.No.21. Therefore, the Government itself is not clear, as to whether, Tamil Language has to be taught from standards I to X or VI to X as a compulsory subject, which shows the non-application of mind of the concerned authorities.

13. It is the further case of the petitioner that G.O.Ms.No.44, dated 28.02.2011 regarding fixing of minimum pass mark in minority languages, such as Urdu, Kannada, Telugu and Malayalam was fixed for Tamil Language. The said G.O. was passed after detailed discussions and requests by the Petitioner's Association and similar association with the Government. The said G.O has not been implemented till date and no steps have been taken to implement the same. It is the duty of the State to provide adequate protection to linguistic minorities as promised under the Constitution of India. In fact, the Commissioner for Linguistic Minorities in India, vide his letter, dated 25.06.2015, has requested the Hon'ble Chief Minister of Tamil Nadu to keep in mind the safeguards provided under Article 350-A, for the Linguistic Minorities in the State, while making Tamil learning compulsory.

14. It is further stated that the members of this association did not receive any communication with regard to implementation of the Tamil Learning Act, till the year 2014. Every year, there will be an inspection of the schools by the respective education department officials and they will make

the notes of inspection. No officer has recorded in their notes of inspection that during their inspection, whether Tamil was being taught or not and also regarding the appointment of Tamil teachers in the particular schools. After the Inspection, none of the petitioner's member schools have received any communication or order from the authorities, asking them to start teaching Tamil language and therefore, everyone was convinced that the State was not interested in the implementation of the Tamil Learning Act, 2006.

15. The petitioner has further submitted that the rejection order does not say when Tamil teachers were appointed in the respective schools and denied that the students had written the September 2015 exams in Tamil and had been given the mark sheets. It is impossible for the students to write tamil Language exam without knowing any basic knowledge about Tamil language. The rejection order twists the real facts and has been passed, without keeping in mind the interest of thousands of innocent students. Tamil being one of the most ancient and classical languages of the world is quite complex and has to be taught properly from a young age. The affected students have not been taught the language in the proper manner and are now being forced to write Tamil language as a subject in their 10th Standard exams. This has caused tremendous stress and agony for the students and the parents since the marks which the students score in their 10th Standard exam will determine their Higher education and future career. The linguistic minority students in Tamil Nadu are now being subjected to unnecessary anxiety and panic for no fault of theirs and due to the failure on the part of the authorities in implementing the Tamil learning Act 2006 in all seriousness.

16. After the reorganization of States, the State Re-organisation Commission has referred to the resolution adopted at the Provincial Educational Minister's conference held in August' 1949, that the medium of instruction and examination in the junior basic stage must be the mother tongue of the child and that the mother tongue of the child will be the language declared by the parent or guardian to be mother tongue. This resolution adopted at the Provincial Educational Minister's conference has been approved by Government of India and now serves as guide for the State Governments in making arrangements for the education of the school going children in the respective States. After the report of the Reorganization Commission, Article 350-A was inserted in the constitution in the year 1956. Article 350-A reads thus,

"Facilities for instruction in mother-tongue at primary stage.- It shall be the endeavour of every State and of every local authority within the State to Provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may

issue such directions to any State as he considers necessary or proper for securing the provision of such facilities''.

17. The petitioner has further submitted that by G.O.Ms.No.115, Public (Defence) dated 29.01.1965, certain safeguards have been afforded to the linguistic minorities in Madras State. The said G.O. protects the right of students belonging to linguistic minority groups to be educated in their mother tongue up to standard XI. To the knowledge of the Petitioner, the above mentioned G.O. has not been withdrawn nor rescinded by the State Government and it is still in force. Since the constitutional validity of the Tamil Learning Act, 2006 has been upheld by this Court, teaching of Tamil and Tamil as a subject paper has come to stay. What the Petitioners seek under Section 5 of the Tamil Learning Act through this Writ Petition is to safeguard the interest of the minority groups by including their mother tongue as one of the two papers under part-I. Part-I consists of two Tamil papers each with 100 marks. Under Section 5 exemption may be granted from writing one Tamil paper, instead, the mother tongue of the student can be made as the subject of the second paper. Thus, the student can learn his mother tongue and easily follow and understand when he is taught the subjects under Part-III. A language can be the medium of instruction if it is taught to students from the tender age i.e. alphabets and grammar. Only when they become proficient in their languages, by learning grammar, they can understand the subjects such as Maths, Science and Social Science in their languages. There is no point in the respondents saying that they have not interfered with the medium of instruction in minority schools. The Hon'ble Full Bench of this Court reported in 2002-2-LW 319 has held in Para No.75,

"It can safely be said that the only logical conclusion that flows from the various decisions referred to supra and the discussion made above is that the Right to Education is a fundamental right which also includes the right to choose the medium of instruction and it can be exercised by the parents on behalf of their children".

18. In the same judgment at Para No.79, the Hon'ble Full Bench has recorded the submission made by the learned Addl. Advocate General on behalf of the State of Tamil Nadu, as follows:

"Impairing education at the primary stage in their mother tongue would be natural and that would be healthy educational process".

Hon'ble Full Bench has not even been referred to the judgment of the Hon'ble Division Bench, which upheld the constitutional validity of the Tamil Learning Act. In the Hon'ble Division Bench Judgment reported in (2007) 5 MLJ 486 in Para No.35, the Hon'ble Division Bench held thus,

"The power of the State to legislate the medium of instruction in the institutions of primary and secondary education is therefore traceable to the said entry. The power to legislate in respect of medium of instruction in primary education shall vest in the State".

19. Constitution Bench of the Hon'ble Supreme Court in a case reported in (2014) 9 SCC 485, held as follows:

"31. This Court also went into the question whether receiving information or education by a citizen was part of his right to freedom of speech and expression in Secretary, Ministry of Information & Broadcasting, Government of India & Ors. v. Cricket Association of Bengal & Ors. (supra) and held that the right to freedom of speech and expression in Article 19(1)(a) of the Constitution will not only include the right to impart information but also the right to receive information, in his opinion, P.B. Sawant, J. observed that the right to freedom of speech and expression also includes the right to educate, to inform and to entertain and also the right to be educated, informed and entertained. In line with the earlier decisions of this Court, we are of the view that the right to freedom of speech and expression under Article 19(1)(a) of the Constitution includes the freedom of a child to be educated at the primary stage of school in a language of the choice of the child and the State cannot impose controls on such choice just because it thinks that it will be more beneficial for the child if he is taught in the primary stage of school in his mother tongue. We, therefore, hold that a child or on his behalf his parent or guardian, has a right to freedom of choice with regard to the medium of instruction in which he would like to be educated at the primary stage in school. We cannot accept the submission of the learned Advocate General that the right to freedom of speech and expression in Article 19(1)(a) of the Constitution does not include the right of a child or on his behalf his parent or guardian, to choose the medium of instruction at the stage of primary school.

32. We cannot also accept the submission of Mr. Bhat that if the right to freedom of speech and expression in Article 19(1)(a) of the Constitution is held to include the right to choose the medium of instruction at the stage of primary school, then the State will have no power under clause (2) of Article 19 to put reasonable restrictions on the right to freedom of speech and expression except in the interest of sovereignty and integrity of India,

the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. In our view, the Constitution makers did not intend to empower the State to impose reasonable restrictions on the valuable right to freedom of speech and expression of a citizen except for the purposes mentioned in clause (2) of Article 19 of the Constitution because they thought that imposing other restrictions on the freedom of speech and expression will be harmful to the development of the personality of the individual citizen and will not be in the larger interest of the nation. In the words of Pantanjali Shastri speaking for the majority of ihx. juiI.gto in *Romesh Thappar v. The State of Madras* (supra):

Thus, very narrow and stringent limits have been set to permissible legislative abildgment of the right of free speech and expression and till was doubtless due to the realisation that freedom of speech and o f the press lay at the foundation o f all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the processes of popular Government, is possible. A freedom of such amplitude might involve risks of abuse. But the framers of the Constitution may well, have reflected with Madison who was 'the leading spirit in the preparation of the First Amendment of the Federal Constitution', that "it is better leave a few of its noxious branches to their luxuriant growth than, by pruning them away, to injure the vigour of those yielding the proper fruits" (Quoted in *Near v. Minnesota*, 283 U.S. 607 at 717-8). "

Therefore, once we come to the conclusion that the freedom of speech and expression will include the right of a child to be educated in the medium o f instruction of his choice, the only permissible limits of this right will be those covered under clause (2) of Article 19 of the Constitution and we cannot exclude such right of a child from the right to freedom of speech and expression only for the reason that the State will have no power to impose reasonable restrictions on this right of the child for purposes other than those mentioned in Article 19(2) of the Constitution.

33. We may now consider whether the view taken by the High Court in the impugned judgment that the right to choose a medium of instruction is implicit in the right to education under Articles 21 and 21A of the Constitution is correct Article 21 of the Constitution provides that no person shall be

deprived of his life or personal liberty except according to procedure established by law. In *Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors.* (supra), a Constitution Bench of this Court has held that under Article 21 of the Constitution every child/citizen of this country has a right to free education until he completes the age of 14 years. Article 21A of the Constitution provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Under Articles 21 and 21A of the Constitution, therefore, a child has a fundamental right to claim from the State free education upto the age of 14 years. The language of Article 21A of the Constitution further makes it clear that such free education which a child can claim from the State will be in a manner as the State may, by law, determine. If, therefore, the State determines by law that in schools where free education is provided under Article 21A of the Constitution, the medium of instruction would be in the mother tongue or in any language, the child cannot claim as of right under Article 21 or Article 21A of the Constitution that he has a right to choose the medium of instruction in which the education should be imparted to him by the State. The High Court, in our considered opinion, was not right in coming to the conclusion that the right to choose a medium of instruction is implicit in the right to education under Articles 21 and 21A of the Constitution. Our answer to Question No.(u), therefore, is that a child, and on his behalf his parent or guardian, has the right to choose the medium of instruction at the primary school stage under Article 19(1)(a) and not under Article 21 or Article 21A of the Constitution."

20. Thus, it is the contention of the petitioner that the right of the child to be educated in a language to be chosen by the parent at the primary school stage has been upheld by the Hon'ble Supreme Court. The provision of Right of Children to Free and Compulsory Education Act and Tamil Nadu Uniform System of School Education Act are in conformity with the constitutional provision, affirmed by the Constitution Bench. Therefore, medium of instruction to be effective must be in a language taught to the child from the primary stage of education. If the language is not taught as a subject under Part-I, a child cannot follow the instructions imparted in the subjects. There is no point in saying that the constitutional validity of the Act has been upheld. The Hon'ble Division Bench judgment was rendered on 23.08.2007. The Constitution Bench Judgment was rendered on 06.05.2014. It has upheld the right of the child or parent to choose medium of instruction

at the primary school stage. It is therefore submitted that the language of the child must be included in Part-I as a subject and pass mark must be prescribed.

21. Even during the hearing of the earlier Writ Petitions, this Court was inclined to appoint a suitable committee to examine the ground reality and to grant exemptions to the affected students from writing the Tamil Language exam in the ensuing 10th Standard exams, which were scheduled to take place in the month of March 2016 and therefore, it is necessary to appoint a suitable committee to examine the issue and to grant appropriate relief to the affected students.

22. Finally, after much deliberation, this Court passed an order, dated 25.01.2016 in W.P. No.1498 of 2016 filed by the Petitioner herein, granting exemption to all the students, who had applied for the same from writing Tamil exam in the 10th Standard. It was informed to the petitioner that approximately 8,300 students were granted exemption in writing Tamil Language exam in 10th Standard exams held in March 2016. After the exams, the said case was listed along with a batch of similar Writ Petitions for four hearings on 13.06.2016, 20.06.2016, 27.06.2016 and 01.07.2016. During each hearing, this Court, had suggested to the Government that they may be a bit lenient in considering the requests for exemption made by deserving students, who have not been taught Tamil since the percentage of such students was very less.

23. In the alternative, this Court had also suggested that an independent committee could be set up to study the issue and to make recommendations to the Government, granting exemption. In fact, this Court had even given tire option to choose the members of the committee to the respondents. This Court had repeatedly stated that the future lives of kids involved in the present dispute and that the Government should take a pragmatic view on the issue. Before the Court, the respondents, on instructions, refused to agree to any of the suggestions made by the Court and the petitioners, thereby rejected the same and prayed that the Writ Petitions which are infructuous be disposed of, accordingly. Further, the learned Advocate General who was appearing for the respondents submitted a detailed schedule to this Court, regarding the time frame to be adopted for seeking exemption fro writing Tamil Paper.

24. The petitioner was further informed that the respondents have come with a detailed policy, that would cover granting of exemption, but a copy of the same was not produced in Court. In fact, even the schedule given by the respondents were not circulated to the petitioners and the same was seen by the petitioner when the order dated 01.07.2016 was made available in the Internet only on 15.07.2016 and the last date

for submitting applications seeking exemption was fixed as 20.07.2016. It is pertinent to state that the said information regarding the schedule has not been informed officially to the thousands of students all over the State and hence, cannot be adhered to. Further, it is the contention of the petitioner, without the policy regarding who is entitled for seeking exemption being framed, such an exercise cannot be earned out, which clearly shows the callous attitude of the Government in handling such an important and sensitive issue relating to young students. It is also pertinent to state that this Court has repeatedly stated that this litigation shall be handled in a benevolent manner and not in an adversarial manner.

25. The petitioner has further submitted that the 1st respondent, vide letter, dated 18.07.2016, addressed to the 2nd respondent, has issued guidelines under the power conferred in Section 5 of the Tamil Learning Act. Under these guidelines, "the students whose parents are in Government Service or in employment of Public Sector Undertakings/Institutions / Companies / Corporations / Private Employment / Business or any other form of employment in other States and have been transferred / relocated to Tamil Nadu during the course of the academic year and who have not studied Tamil as a language in the school in the State from which they have migrated are eligible to apply". The 2nd Respondent has circulated the above guidelines vide proceedings in Na.Ka.5574/AA3/2016, dated 19.07.2016, to all DEOs and Inspector of Schools. The Respondents have ignored the repeated requests of the Petitioner and other similarly placed parties and have again acted high handedly against the interest of thousands of poor minority students and have come up with an arbitrary and discriminatory guidelines. The Respondents have disregarded the repeated suggestions and advice of this Court and have framed a erroneous guidelines.

26. The petitioner has further submitted that even today, several aided and unaided schools have not been able to teach Tamil in Linguistic Minority schools due to lack of Tamil Teachers and adequate support from the Government. It is not against the teaching of the Tamil language, but due to the lack and delay in implementation of the Act, the indecision of the Government with regard to 2 languages or 3 languages formula, the enforcement of the same, may be delayed accordingly, thereby granting relief to the poor students. It is pertinent to state that though the rules were framed only in the year 2012, the Act was seriously implemented only from the year 2014, when the members of the petitioner's association had received a detailed circular, stating that the Act shall be implemented strictly. Hence, the petitioner has filed the writ petition, on the following grounds,

- (i) The impugned so called guidelines have been framed and issued without application of mind and the same is non-est in law and the same is liable to quashed.

(ii) The Respondent has failed to consider the practical difficulties of the students and has come up with an erroneous guidelines.

(iii) The Respondents have ignored the repeated advice and statements made by the Hon'ble Chief Justice and other Judges of this Court in this regard, in the past. The so called guidelines are against the welfare of the thousands of poor minority students.

(iv) The 1st Respondent has failed to consider the fact that without properly implementing the Tamil Learning Act and without providing the necessary assistance and infrastructure for implementation of the Act, the Government is trying to enforce a Law, which has not at all been implemented with regard to a large section of Students till the year 2014.

(v) The Respondents have completely ignored the repeated Representations of the Petitioner and similar bodies, for the past several years regarding the non-implementation of the Act and the practical difficulties faced by the students.

(vi) The guidelines of tire Government is unconstitutional and is in complete violation of Article 350A of the Constitution of India. In fact, it is also in violation of some of the International Treaties to which India is also signatory, which ensure adequate protection of minority Languages and freedom to choose the suitable education.

(vii) The guideline of the Government regarding exemption is arbitrary, discriminatory and against the interest of thousands of poor minority students in Tamil Nadu.

(viii) The guideline has been framed in a hurried manner without thorough consideration of the issues involved, which lacks bonafide. It has been done by the Respondent only in response to the repeated queries by this Court as to whether there is any definite policy and procedure which is student friendly and uncomplicated.

(ix) The Respondent has failed to consider the fact that the number of students who sought for exemption last year by providing adequate reasons and proof, were only about 8000, which is less than 20% of the total number of students, who took 10th Standard Board Exam and granting such exemption to such students would not cause any hardship to anybody. On the contrary, if the said local minority students, who have not been taught Tamil, are not granted exemption, they would be put to great hardship and irreparable loss.

(x) The Respondent has failed to consider the repeated advice of this Court to keep in mind the welfare of the poor students in dealing with this issue and has come up with a so called guideline which is completely flawed and unsustainable. This Court was pleased to repeatedly advice the Respondents not to view this litigation as an adversarial one and to work together to find a solution to the practical problems faced by the students and this has been completely disregarded by the Respondent.

(xi) The Respondent has failed to consider the fact that the State is a welfare state and it is supposed to protect the welfare of the Students especially and such a guideline is against the welfare of the poor minority students of the State.

(xii) The Actions of the Respondent is issuing such a guideline is highly objectionable and is contrary to the general principles of natural justice and the fundamental principle of freedom and right to education and protection of welfare of the linguistic minority community.

(xiii) It is submitted that the said guideline is contrary to the decision rendered by the Hon'ble Constitutional Bench reported in (2014) 9 SCC 485 where it has been held that a child on his behalf his parent / guardian has the right to choose the medium of instruction at the primary school stage under the Article 19 (i) (a). It is submitted that without teaching the language known to the child as a subject that language cannot be the medium of instruction.

27. Denying the contentions made on behalf of the petitioner, Joint Secretary to Government, School Education Department, has filed counter stating that the Government of Tamil Nadu has been receiving number of representations from parents, educationists, Tamil scholars and students requesting that provisions may be made for learning Tamil Subject in schools. Subsequently, on 24th May 2006 in the Governor's Address made on the floor of the Tamil Nadu Legislative Assembly, it was stated that action will be taken in consultation with Educationists, to ensure that all students studying in schools in the State, learn Tamil subject compulsorily from the Academic Year 2006-07. Accordingly, in the meeting of Tamil Scholars and Educationists convened by the Government on 25th May 2006 after detailed deliberation in order to change the situation of students studying in schools in Tamil Nadu not learning Tamil, which is the Official Language of the State and one of the ancient, classical languages of the world, it was proposed to make Tamil as a

subject in Standards I to X in all types of schools in the State from the Academic year 2006-2007 and to introduce the following pattern of education, viz.,

Part I -Tamil (Compulsory)

Part II - English (Compulsory)

Part III - Other Subjects such as Mathematics, Science, Social Science,

Part IV Students who do not have either Tamil or English as their Mother Tongue can study their Mother Tongue as an optional subject.

Hence, after careful consideration and analysis, the Government has decided to bring out this important legislation viz. Tamil Nadu Tamil Learning Act, 2006 to provide learning of Tamil as compulsory subject in Part I in Standards I to X in all schools in the State in a phased manner from the Academic Year 2006-07.

28. Respondents have submitted that the Tamil Nadu Tamil Learning Act, 2006 (Tamil Nadu Act 13 of 2006) was notified in the Tamil Nadu Government Gazette Extraordinary No. Part- IV-Section 2 dated 12th June 2006 and the said Act came into force with effect from 19th June 2006 as notified in the Tamil Nadu Government Gazette Extraordinary No. 140, Part II Section 2 dated 19th June 2006. Thereby, Tamil Language was introduced as a compulsory subject in Standard I in the year 2006-07 and extended to Standards I & II in the academic year 2007-08, and it was extended every year in a phased manner till the academic year 2015-16 for Standard X. The Government have ensured that the Act was implemented in a phased manner starting from the Academic Year 2006-2007 in standard I and has been extended year wise up to standard X in the Academic Year 2015-16. Further, the "Tamil Nadu Tamil Learning Rules 2012 was framed for implementing the provisions of the Act and the Competent Authority for monitoring implementation have also been notified by the Government vide G.O.Ms.No.103, School Education Department, dated 20.04.2012 and G.O.Ms.N.104, School Education Department, dated 20.04.2012, respectively, which has been published in the Tamil Nadu Government Gazette No. 18, dated May 9th 2012.

29. Respondents have further submitted that Writ Petitions in W.P.No.33953, 7879 and 10661 of 2006 were filed before this Court for issuance of Declarations, seeking to declare the Tamil Nadu Act No.13 of 2006 (The Tamil Nadu Tamil Learning Act, 2006) unconstitutional, null and void and ultra vires the Constitution of India. These Writ Petitions came to be dismissed by the Hon'ble First Bench of this High Court vide order dated 23.08.2007 in W.P,Nos.33953, 7879 and 10661 of 2006. Thus the validity of the said Act was upheld by this Hon'ble Court. While dealing with the above case, at paragraphs 22 and 34, this Court held as follows:-

Para - 22 : "This leads us to the further question as to whether the State could make Tamil as compulsory subject from Standard I in all

schools. The imposition of Tamil as compulsory subject should be considered with reference to the burden of the students and as to whether the same deprives a student of Minority Community to learn his mother tongue as well. After the States Reorganizations had taken place in the year 1956, Tamil Language is used to be prevalent throughout the State for more than 50 years. Though Tamil is the Mother Tongue for most of the residents in the State, due to its long prevalence among various communities, it has become a home language and as well a dominant language of the people residing in the State irrespective of their Community, whether minor or major. The introduction of Tamil as a compulsory subject should be viewed with the above back-ground. The impugned Act introducing Tamil as one of the Subjects cannot be considered to be one on the basis that it is a mother tongue of the State".

.....
Para - 34 : "While judging the constitutionality of the provisions, 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 a 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 Standard I. Likewise, the Students who have been admitted for the academic year 2006-2007 should start learning Tamil as compulsory language till he/she goes to Standard X. By the above process of introduction of Tamil as compulsory language in Part I in a phased manner from standard I to X, a student who is taught Tamil from Standard I is not over burdened and could learn the Tamil language at ease."

30. Respondents have further submitted that aggrieved by the order of this Court in W.P.NOS.33953, 7879, 10661 of 2000, an appeal before the Hon'ble Supreme Court in S.L.P. (Civil) No(s).21224/2007 has been filed and the same was dismissed on 14.07.2008. The Hon'ble Supreme Court upheld the validity of the Tamil Nadu Tamil Learning Act, 2006. It is further submitted that, subsequent to the enactment of the said Act, detailed instructions were issued by the Director of Elementary Education, Chennai - 6, vide proceedings in RC.No. 18640/F1/2006 dated 17.06.2006, to all the Chief Educational officers regarding the implementation of the Act in a phased manner and subsequently various circulars including the directions issued by the Director of School Education in Na.Ka. No. 95204/E/E3/2010, dated 19.08.2014 were also issued

periodically to the respective officers to inspect and watch that the Act is being implemented properly in all the schools.

31. It is submitted that in this connection, a Public Interest Litigation was filed by one Thiru.A.V.Pandian before this court in W.P.No.14150 of 2010 with a prayer to make appropriate provision for implementation of the provisions of Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009) against the schools affiliated to CBSE as well as unauthorized schools. Consequent on the filing of the above Public Interest Litigation, the Government in the meanwhile issued necessary amendment to the explanations in Rule 12 of the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 in G.O.Ms.No.144, School Education (GE) Department, Dated 18.09.2014 authorizing the Director of School Education as the competent authority for according recognition to the schools affiliated to Boards other than the State Board of School Examination (Secondary) and State Board of School Examinations (Higher Secondary), Government of Tamil Nadu and the same was informed to the Hon'ble Court by filing an affidavit. The Hon'ble Division Bench of this High Court was pleased to dispose of the above writ petition by accepting the counter affidavit filed by the Respondents.

32. Respondents have further submitted that, pursuant to the amendment issued in the above said G.O.Ms.No.144, School Education (GE) Department, Dated 18.09.2014, the Government have issued notification in G.O.Ms.No.145, School Education (ERT) Department, dated 18.09.2014 under sub-clause (IV) of clause (e) of section 2 of the Tamil Nadu Tamil Learning Act, 2006 notifying that all Nursery and Primary Schools, Middle Schools, High Schools and Higher Secondary Schools (other than schools belonging to 'specified category ' as defined under Clause (p) of section 2 of the Central Act 35 of 2009), established and administered or maintained by any person or body of persons including minority schools established and administered under clause (1) of Article 30 of the Constitution of India and affiliated to various boards other than the State Board of School Examinations (Secondary) and State Board of School Examinations (Higher Secondary) Government of Tamil Nadu as schools for the purpose of the said Act.

33. Respondents have further submitted that the Government have ordered therein that Tamil shall be taught as a subject in standards I to X in all schools (namely Schools under CBSE, ICSE etc.) notified under sub clause (iv) of clause (e) of Section 2 of the Tamil Nadu Tamil Learning Act, 2006 in a phased manner commencing from the academic year 2015-2016 for Standard I, from the academic year 2016-2017 for standard I and II and shall be extended up to standard X in a like manner as shown below.

From the Academic year	For standards
2015-2016	I
2016-2017	I and II
2017-2018	I, II and III
2018-2019	I,II, III and IV
2019-2020	I to V
2020-2021	I to VI
2021-2022	I to VII
2022-2023	I to VIII
2023-2024	I to IX
2024-2025	I to X

34. Respondents have further contended that as regards the averments made by the petitioner in paragraphs (4) to (8) of the affidavit, it is submitted that consequent to the order passed by this Court in W.P.No. 18019 of 2014, few thousands of students have applied seeking exemption from writing Tamil as Part-I language in March, 2016 - Tenth Standard Board Examination. The Government have carefully examined each and every application of the students and passed suitable orders, rejecting their requests. It is further submitted that the petitioner has misconstrued the scope of section 4 (1) of Tamil Nadu Tamil Learning Act, 2006 with section - 5 of the said Act. Section 4(1) of the Act empowers the Government to appoint by notification the competent authority for the purpose of carrying out the provisions of the Act, whereas section 5 of the Act empowers the Government to grant exemptions from the provisions of the Act. Thus it is clear, the Competent authority specified in section 4 (1) of the Act are appointed by the Government only for the purpose of carrying out the provisions of the Act and the rules made thereunder. Such authority has no power to deal with the exemption application under section 5 of the Act, since Government alone have been empowered to grant exemption under the section 5. Hence, orders passed by the Government on the applications seeking exemption from writing Tamil in March, 2016 in the Tenth standard Board Examination are legally valid in law.

35. As regards the averments made in paras (9) to (19) of the affidavit, the respondents have submitted that the Government is very keen in implementing the Act. Tamil text books have been supplied to all aided schools by the Government at free of cost. The Chief Educational Officers and District Educational Officers are periodically inspecting these schools to ensure proper implementation of the Act, and also issuing necessary instructions to all Headmasters during meetings.

36. Respondents have further submitted that almost all the sanctioned posts of Graduate teacher (Tamil) (BT. Asst. Tamil) in the minority schools in the State are approved by the Government and they are paid Government salary. Further in view of the financial hardship faced by the Government, the Government took a policy decision, not to pay grant to any aided post, from the year 1992 and accordingly amended the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 inserting new Section 14-A by which no grant shall be paid to any private school which has been established on or after the academic year 1991-1992. Hence all the schools are under an obligation to appoint Tamil teachers to teach Tamil as compulsory subject under Part -I of the Tamil Nadu Tamil Learning Act 2006 and they cannot expect that Government will sanction sufficient number of posts of Graduate Teachers (Tamil) for the purpose of teaching Tamil in Aided Schools, in addition to the posts sanctioned prior to the year 1991- 1992.

37. Respondents have further submitted that as per the provisions of the said Act, the Tamil has to be taught as compulsory subject under Part-I in the VI standard from the academic year 2011-2012. Hence, it is normal expectation that the students who studied VI std during the year 2011-2012 had to face the Tenth Standard Board Examination during the year 2015-2016 with Tamil language as one of the compulsory subjects under Part - I. So the parents who were well aware of the provisions of the Act had the chance to apply for exemption during the year 2011- 2012 itself. Rejection of the requisition of the students seeking exemption from writing Tamil under Part I on the grounds that they had not applied during the year 2011-2012 is valid and suffers from no infirmity.

38. Respondents have further submitted that for the districts of Chennai, Thiruvallur, Vellore, Kancheepuram, Krishnagiri, Dharmapuri, Erode, and Villupuram, the Government have sanctioned and approved 358 posts of Graduate Teacher (Tamil) exclusively for the aided minority schools. Hence the allegations of the petitioner that sufficient number of Tamil Teachers are not available in the Aided minority schools to teach Tamil is incorrect.

39. Respondents have submitted that as per section 3 of the Tamil Nadu Tamil Learning Act, 2006 Tamil shall be taught as a compulsory subject under Part I 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. Hence a student in VI standard had to learn Tamil as a compulsory subject during the academic year 2011-2012. The Tamil Nadu Uniform System of School Education Act, 2010 was implemented in the year 2010. Since the students who had studied I standard in the year 2006-2007 would have studied VI standard

during the academic year 2011-2012, at that time the Uniform System of School Education was implemented, orders were issued in G.O Ms No.21, School Education Department, dated 01.02.2010 specifying the subjects of study to be followed for standards VI to X. Hence it is needless to mention about the standards I to V in the G.O Ms No 21, which was issued in the year 2010 i.e on 01.02.2010. The petitioner has misconstrued the provisions of section 3 of the Tamil Nadu Act 13 of 2006 with the orders issued in the G.O.Ms.No.21 School Education Department, dated 01.02.2010 while in reality both of them are not contrary to each other.

40. Respondents have further submitted that in the year 2006 itself, detailed instructions have been issued to all the Schools regarding the implementation of the Tamil Nadu Tamil Learning Act, 2006 vide the proceedings of the Director of Elementary Education in RC.NO. 18640/F1/06, dt 17.06.2006. Hence, the allegation of the petitioners that they did not receive any communication regarding implementation of Tamil Nadu Tamil Learning Act, 2006 is totally baseless. The department officials, namely Chief Educational Officer, District Elementary Educational Officers and District Educational Officers have given suitable instructions to the Head masters in the periodical meetings of Head masters regarding the implementation of the Tamil Nadu Act, 13 of 2006 with emphasis for learning Tamil as compulsory subject and Part I.

41. With reference to the averments made by the petitioner in paras (20) to (22) of the affidavit, it is submitted that, since the Act has been passed in the year 2006 itself, it is the duty of the school authorities to ensure that Tamil language has been taught as compulsory subject under Part-I in a phased manner for standard I from the academic year 2006-07 as specified in section 3 of the Act and to bring it to the knowledge of the competent authorities concerned regarding their inability to implement the Act.

42. Respondents have further submitted that the petitioner having failed to approach the authorities concerned regarding their inability to teach Tamil as compulsory subject under Part I in their schools, at the appropriate time that is at the time of commencement of the Act itself, cannot now seek exemption more particularly when the students are about to face the tenth Standard Board Examinations in March 2017 which is nothing but wanton denial to implement the provisions of the said Act.

43. With reference to the averments made in paras (23) to (28) of the affidavit, it is submitted that the re-organisation of the States were purely based on linguistic divisions, which is based on the languages spoken by the majority of the people, i.e. the home language of the concerned State. Since Tamil is the Home language of State of

Tamil Nadu, the Tamil Nadu Tamil learning Act, 13 of 2006 was enacted with a view to ensure that all the children studying in the State Tamil Nadu learn Tamil as one of the Subjects in the schools. Further the constitutional validity of the said Act, has already been upheld by the Hon'ble Supreme Court. Hence, raising the allegation now that the provisions of the said Act are in violation of the Constitution of India is baseless and deserves no merits.

44. Respondents have further submitted that the Tamil subject under Part -I consist of 2 papers. Paper I consist of prose and poetry and paper II consist of Grammar, Non-Detail, General Essay and letter writing. For a student to have a comprehensive and in-depth knowledge of Tamil, must necessarily learn the above said two papers. The above said two papers are inseparable. Omitting any one of the two papers would make learning of Tamil subject meaningless. Hence, both Papers I and II are very much essential for gaining complete knowledge of Tamil Language. In the above said circumstances, substituting one of the above said 2 papers by a minority language as claimed by the petitioner is not acceptable and deserves no valid consideration.

45. Respondents have further submitted that the case law of the Hon'ble Supreme Court reported in (2014) 9 SCC 485 referred to by the petitioner deals with the issue of medium of instruction and it has no relevance to the issue of introducing Tamil as a compulsory subject under Part I as in the case of Tamil Nadu Tamil Learning Act, 2006. So far as the medium of instruction is concerned, the Government of Tamil Nadu have not restriction to the students.

46. With reference to the averments made in paras (29) to (32) of the affidavit, it is submitted that since section 5 of the said Act, empowers only the Government to grant exemption from the provisions of the Act, the power to grant exemption cannot be delegated to a committee as averred by the petitioner. It is further submitted that the Government have issued broad guidelines along with the cut - off dates for submitting applications seeking exemption under the Act in the Tenth standard Board Examinations to be held in March, 2017, vide Government Letter (Ms) No .134 School Education Department, dt. 18.07.2016. Hence, it is for the students who seek exemption from writing Tamil in the Tenth standard Board Examinations to submit their applications as instructed in the above said Government letter to the authorities concerned specifying grounds based on the which exemption is sought for from the provisions of the Act.

47. With reference to the averments made by the petitioner in para (33) of the affidavit, the respondents have submitted that the Act 13 of 2006 has come into force in the year 2006 itself, it is mandatory for all the schools covered under the said Act, to teach Tamil as compulsory subject under

Part-I in a phased manner as specified in Section 3 of the said Act. Non teaching of Tamil to the students by the Petitioners schools as mandated by the above said Act for a number of years for the reasons best known to the petitioners schools alone cannot be a ground for seeking exemption from the Act. Further, Section-3 of the said Act which mandates the teaching of Tamil as compulsory subject under Part-1 came in to force in the year 2006 itself. Though, the rules under the said Act have been framed only in the year 2012, it has no relevance to the issue of seeking exemption, since Teaching of Tamil under Part I has been mandated in section 3 of the said Act from the year 2006 itself. Hence, the issuance of the Rules under the said Act, in the year 2012, cannot be cited as a ground for seeking exemption from the Act.

48. With reference to the averments made in Grounds (i) to (viii) under para 34 of the affidavit, it is the contention of the respondents that the court taking cognizance of the time schedule for submission and disposal of applications claiming exemptions under the said Act as submitted by the Learned Advocate General, had disposed off W.P No 1262 of 2016 and etc filed by R.Gowthami and others. Hence, orders were issued in Government Letter (Ms)No.134 School Education Department dated 18.07.2016 prescribing the guidelines and the time schedule for submission and disposal of applications seeking exemption from writing Tamil under Part I in the Tenth standard Board Examinations, 2017 as produced by the Learned Advocate General before this court. Therefore, the orders issued in the said Government Letter(Ms)No 134 School Education Department Dated 18.07.2010 is absolutely valid in law and deserves to be upheld.

49. Respondents have further submitted that the guidelines have been issued taking into account the practical difficulties faced by the students because of the relocation/transfer of their parents to the State of Tamil Nadu, and who have not studied Tamil earlier, since the Act 13 of 2006 has come into force in the year 2006 itself, it is mandatory on the part of the petitioner's schools to impart Tamil as compulsory subject under Part I in a phased manner as specified in the said Act. Without teaching Tamil to the students as mandated by the said Act, the petitioner cannot simply put the blame on the Government for the sake of getting exemption under the Act. As early as in the year 2006 itself, comprehensive instructions were issued by the Director of Elementary Education in R.c.No 18640/0/06 Dated 17.06,2006 regarding implementing the Act from the year 2006 in a phased manner. The allegation of the petitioner that the Act has not at all been implemented with regard to a large section of students till the year 2014 is totally denied as incorrect.

50. Respondents have further submitted that since the Constitutional validity of the Tamil Nadu Tamil Learning Act, 2006 has already been upheld by the Hon'ble Supreme Court of

India and the aforesaid guidelines have been issued only in consonance with the provisions of the said Act, the averment of the petitioner that the aforesaid guidelines are unconstitutional, arbitrary and discriminatory is baseless. Further, the said guidelines were framed after taking into deep consideration of the welfare of the students, who had no chances to study Tamil in the earlier years because of the dwelling of their parents in other States and subsequently relocated/transferred to the State of Tamil Nadu.

51. With reference to the averments made by the petitioner in grounds (IX) to (XIII), the respondents have submitted that the issue of considering exemption from the provisions of the Act is purely based on merits and valuable grounds set out in each of the application of the students which differs from case to case, the claim of the petitioners that exemption is sought for only for small number of students has no relevance.

52. Respondents have further submitted that the above said guidelines were issued after taking into consideration the entire scenario of implementation of the Act 13 of 2006 and the difficulties faced by the students who had no chance of learning Tamil before the relocation/transfer of their parents to the State of Tamil Nadu and with a view to protect the welfare of such students. The aforesaid guidelines are totally in consonance with the principles of natural justice and the fundamental principles of freedom of Right to Education and in consideration of the welfare of the Linguistic Minority Community. Hence the guidelines are valid in the eye of law and deserves to be upheld.

53. Respondents have further submitted that the case law cited by the petitioner in Ground (XIII) of the affidavit, namely (2014) 9 SCC 485 deals with the medium of instruction at the primary school stage and it has no relevance with imparting language as a compulsory subject as in the case of Tamil Nadu Act 13 of 2006. The said case law is not applicable to the petitioners case. In the year 2006 itself, instructions were issued to all the schools regarding implementation of Tamil Nadu Tamil Learning Act, 2006 by the Department. Thereafter, all the Chief Educational Officers, District Educational Officers who are inspecting the schools in their jurisdiction, have issued periodical instructions to the school authorities and the Head masters of the schools regarding the implementation of the above said Act.

54. Respondents have further submitted that text books on all the subjects including Tamil subject have been supplied to all the aided schools in the State of Tamil Nadu at free of cost and approval of appointments were accorded to almost all the Graduate Teachers(Tamil) generally known as Tamil Pandits appointed in the sanctioned posts.

55. Respondents have further submitted that granting of en masse exemption to students studying in Minority schools from writing the Tamil Language under Part I in the Tenth standard Board Examinations from the academic year 2016-2017 till the academic year 2023-2024 as prayed for by the petitioners is nothing but a move to totally nullify the provisions of the Tamil Nadu Tamil Learning Act ,2006, which has been enacted with a noble intention to make all the students having their school education in the state of Tamil Nadu to have a chance of learning such a wonderful Language cherished from time immemorial and crowned with the status of classical Language.

56. Respondents have further submitted that the intention of Section-5 of the above said Act is to give exemption to those deserving cases based on ground reality and personal reasons, which may vary from case to case. Therefore, the prayer of the petitioner to grant exemption to students studying in linguistic minority member schools from writing the Tamil Language papers in the Tenth standard Board Examinations under Part I from the academic year 2016-2017 till the academic year 2023-2024 is not a feasible compliance and is liable to be dismissed as devoid of merits.

57. Replying to the affidavit of the petitioner, the 2nd respondent/the Director of School Education, Chennai, has submitted that the Tamil Nadu Tamil Learning Act, 2006 was notified in Tamil Nadu Government Gazette Extraordinary No.136, Part-IV, Section 2 dated 12th June 2006 and the said Act came into force with effect from 19th June 2006.

58. It is the contention of the second respondent that the validity of the said Act has been upheld by the Hon'ble Division Bench of this court in W.P.Nos.33953, 7879, 10601 of 2000 and was confirmed by the Hon'ble Supreme Court, vide its order dated 14.07.2008 in SLP(Civil) No.(s).21224/2007. As per section 3 of the said Act, the Tamil language has been taught as a compulsory subject under Part-I from class- I in a phased manner, i.e., from the academic year 2006-07 in Class-I, 2007-08 in classes I and II, 2008-09 in classes I,II and III and so on. However, the students of minority languages are provided with the choice of learning their mother tongue such as Kannada, Telugu, Malayalam, Hindi, etc., under part-IV.

59. Second respondent has further submitted that the pattern of Education prescribed under Section 3 of the Tamil Nadu Tamil Learning Act 2006 is as follows :-

Part I- Tamil (Compulsory)
Part-II English (Compulsory)
Part III- Other Subjects such as Mathematics,
Science,
Social Science, etc.,
Part IV- Students who do not have either Tamil or
English as their Mother

60. It is the further contention of the second respondent that even though the above said Act mandates learning of Tamil as a compulsory subject under Part I, there is no restriction to the students so far as the medium of Instruction is concerned. The students may study the other subjects specified in Part III in the medium of their mother tongue namely, Kannada, Telugu, , Malayalam, Urdu etc. Subsequent to the enactment of the said Act, detailed instructions have been issued by the Director of Elementary Education, Chennai-6 in his proceedings in Rc.No. 18640/F1/2006 Dated 17.06.2006, and by the Director of School Education vide his Proceedings in Na.Ka.No.95204/K/E3/2010, dated 19.08.2011, Na.Ka.No.7272716/C5 /E2/2014 dated 03.06.2014 and 04.05.2015 to all the Chief Educational Officers, District Elementary Educational Officers, District Educational Officers and Head Masters of all Schools regarding the effective implementation of the said Act. Besides the above said circulars, periodical instructions are being issued to the field level Officers and Head Masters of the School to ensure the effective and proper implementation of the said Act in all schools.

61. The second respondent has further submitted that in the Government schools, both the Secondary Grade Teachers and B.T. teachers are handling Tamil subjects. Further, the Secondary grade Teachers are eligible to teach Tamil classes up to VIII Standard, whereas, the B.T.Teachers are eligible to teach Tamil subject from VI to X Standard. He further submitted that the implementation of Tamil Learning Act, 2006 has reached the IX Standard in the year 2014-15, in that years all the vacant posts of B.T Tamil teachers in all Government Schools have been filled up.

62. It is the further contention of the second respondent that almost all the teacher posts sanctioned in the Aided schools to teach Tamil were provided with necessary approval and salary by the Government. Shortfall of teachers were filled up by deputation by the managements of the respective Aided school managements.

63. The second respondent has further submitted that apart from approving teachers posts in Tamil subjects in the aided schools, free Text books of Tamil subject were distributed to all the aided schools. It is his further submission that as far as the Aided schools are concerned, no new post in Tamil subject or any other subject has been sanctioned by the Government, which has commenced the class or course of instruction after the commencement of the academic year 1991-92. it is the sole responsibility of the management of those schools to appoint teachers for all subjects including Tamil to meet the necessity, if any after 1991-92. As per G.O.Ms.No.100, School Education Department, Dated 27.6.2013, the Government have decided to appoint B.T.Assistants in the Secondary Grade Teachers vacancies

w.e.f. 27.06.2003, and it has also been clearly stated that such Secondary Grade Teacher vacancies will be filled up by B.T. Assistants in Mathematics, Science and English in the first phase. It is also pertinent to point that the existing Secondary Grade Teachers are eligible to handle all subjects including Tamil till 8th Standard until such vacancies of Secondary Grade Teachers are converted into B.T. Teacher vacancies at the time of vacancy arises due to retirement, resignation or death.

64. It is the further contention of the second respondent that, since from the academic year 2014-15, the Tamil Learning Act, 2006 was extended to 9th Standard minority students, 32 regular B.T. (Tamil) Teacher posts were created and appointed in the schools of Krishnagiri District. Whereas, in the Kanyakumari and Thiruvallur Districts, all the schools are Bilingual schools (Both Tamil medium and Malayalam/Telugu medium). Hence regular B.T.Assistants (Tamil), who have already handling classes for Tamil medium sections, also handled Malayalam/Telugu medium students. The Chief Educational Officers has ensured the implementation and submitted a report.

65. It is the further contention of the second respondent that, the Government have issued guidelines in Government Letter No. 134, dated 18.07.2016 regarding the time schedule and eligibility criteria for applying exemption from writing Tamil language under Paper-I compulsory subject in the SSLC Board examination 2017. In the above said guidelines, it was mentioned that only those students migrated to the State of Tamil Nadu from other States during the academic year 2016-17 and joined X Standard in Tamil Nadu during the said academic year and who had no opportunity to study Tamil during previous years are eligible to apply, which was Challenged in some of the Writ Petitions. However, subsequently, the students who have migrated to the State of Tamil Nadu during the academic years 2015-16 and 2016-17 were permitted to apply for exemption vide subsequent guidelines issued in Govt. Letter. (Ms.)No.2, School Education Department, dated 02.01.2017 and this was accepted by the Hon'ble Division Bench in its order dated 03.01.2017 in W.P.No.43280/2016.

66. The second respondent has further submitted that so far 127 students (Matriculation, Anglo Indian, Aided schools) have applied for exemption from writing Tamil under Part-I compulsory in the S.S.L.C examination March 2017. The applications were examined based on the revised guidelines issued in Govt. Letter (Ms.) No.2, School Education Department, dated 02.01.2017 and 43 students were granted exemption (Aided-11, Anglo Indian-12, Matriculation-20). Remaining 84 applications were rejected. It is the further submission of the second respondent that, so far no students have Challenged the rejection orders. As on date, no application seeking exemption is pending with the Government.

Since, the preparatory works for the S.S.L.C Board examination, March 2017 was already over, no student can apply for exemption at this juncture. It is pertinent to mention that one of the student namely., Nithish, X Standard, Stanes Anglo Indian Higher Secondary School, Coonoor, The Nilgiris District whose application seeking exemption was rejected has voluntarily declared to write the Tamil subject under Part-1 compulsory subject in the S.S.L.C.X Board.

67. Second respondent has further submitted that, in spite of various circulars and periodical instructions issued by the authorities regarding the implementation of the Tamil Nadu Tamil Learning Act 2006, the petitioners schools neither adhered to the instructions of the authorities nor approached this Court explaining their grievances for not following the instructions of the authorities and sought suitable remedies. On the other hand, several litigations were filed by the petitioners only when the provisions of the Tamil Nadu Tamil Learning Act, 2006 was implemented up to X Standard in the academic year 2015-16 stating various reasons viz. rules under the said Act were framed only in the year 2012, no sufficient number of Tamil teachers were appointed in aided schools, etc., If the petitioners are really intended to implement the provisions of the Tamil Learning Act 2006 as stipulated in the provisions of the said Act, they should have approached this Hon'ble Court, much earlier to 2016 and sought remedies by explaining their grievances. But, the petitioner have come before this Court only when the Tamil Learning Act, 2006 was implemented up to X Standard in the year 2016, solely with a view to evade the provisions of the said Act.

68. Second respondent has further submitted that students of the petitioner Association schools too have already submitted their declaration forms for the Examination thereby undertaking to take up Tamil subject as Part-I compulsory subject and to write their mother tongue (minority language) under Part-IV optional subject. The above said declaration forms were duly signed by the students as well as by the parents. This fact clearly indicates that all the students are prepared to take up Tamil language as Part-I compulsory subject in the S.S.L.C. Examination March 2017. Hence, the need for granting exemption as prayed for by the petitioner is totally contrary to the factual position.

69. The second respondent has further submitted that as per the provisions contained in Section 5 of the Tamil Learning Act, 2006, exemption can be granted only to the students from the provisions of the said Act. No exemption can be granted to an institution as a whole for many number of years as prayed by the petitioners. He further submitted that the SSLC Public Examination commences on 08.03.2017 and the Language Paper I & II are scheduled to be held on 08.03.2017 and 09.03.2017. Only few days are left for the commencement of the examination. At this juncture, all preparatory works are

completely over. All top sheets have been printed and are stitched with respective answer sheets and sent to all exam centres. Nominal Roll has been updated and downloaded in all schools/Examination centers. Hall tickets have been downloaded by all schools/Examination centers. Room wise Seating Plan has been planned based on Nominal Roll and the same has been downloaded by the examination centres for conducting Examinations. All question papers for all subjects including the Tamil Paper I and Paper II language paper have been handed over to all the custodians in all districts. Granting exemption to the students at this juncture, will lead to chaotic condition resulting in non-conduct of Examinations smoothly for all students. In view of the said facts and submissions, the second respondent has prayed for dismissal of the writ petition.

70. Reverting to the counter affidavit filed by the respondents, petitioner submitted that Paragraph Nos. 1 to 12 in the Counter Affidavit refers to the passing of enactment in the year 2006, its provisions, court orders upholding its constitutional validity etc., In this regard, petitioner submitted that though the enactment was passed in the year 2006, the matter was pending before this Court and the Supreme Court and finally on 14.07.2008, the Hon'ble Supreme Court upheld the orders passed by this Hon'ble Court. Even after the Judgment of the Hon'ble Supreme Court, the State Government did not take any steps to implement the Act. In 2010, Tamil Nadu Uniform System of School Education Act came into force. On 01.12.2010, the Government issued G.O.No.21 under the Tamil Nadu Uniform System of School Education Act prescribing subjects of study from 6th Std. to 10th Std. in all schools making Tamil compulsory from 6th Std.

71. G.O.No.21 has made the learning of mother tongue as an optional subject. Representations were made by linguistic minority organizations to make the learning of minority languages compulsory along with Tamil. The Petitioner made a representation on 27.10.2010 to the Government, in which it was specifically mentioned that the 2006 Act has not been implemented; Tamil text books not supplied; Tamil teachers not appointed and Tamil annual tests were not conducted in any school. It was brought to the notice of the Government that the linguistic minority students were not taught even alphabets so far. The Petitioner requested the Government to make arrangement to start implementing the Act in its true spirit, start teaching from 1st Std. from that year, so that students can appear for 10th Std. public examination in the year 2020. After considering the representation on 15.12.2010, the State Government have issued G.O. No.316 under which Government directed the officials of the Education Department to allot 4 periods in a week to teach minority languages; to furnish text books for minority languages and to conduct exams in all classes for minority languages. Even under this G.O., the marks obtained by the students in their mother tongue

under Part-IV would be mentioned in the mark sheet, but no minimum pass marks was prescribed. It is the further contention of the petitioners that again the minority languages organizations made representation to the Government to make minority languages as compulsory subject. On 28.02.2011, the Government, has issued G.O. No.44 prescribing a minimum mark for pass to be entered in the mark sheet. The Petitioner has made representations to the State Government to include the mother tongue as compulsory language; not to enforce Tamil as compulsory language from 1st Std. in all schools and appoint Tamil teachers. Though this letter was acknowledged by the Hon'ble Chief Minister's Office but there the Govt, has not taken any steps.

72. It is the further contention of the petitioner that the Government framed rules under the Tamil learning Act, which were issued under G.O. No. 103 dated 09.02.2012 and appointed Competent Authorities by G.O. No. 104 dated 09.05.2012. These two G.Os will establish that the Govt, was not serious in enforcing the provisions of the Act at least till 2012. Even after framing Rules, the Govt, did not issue any instructions to the linguistic minority institutions to teach Tamil as a compulsory language and did not appoint Tamil teachers. All the communications mentioned in the Counter Affidavit are departmental communications between the Government and the officials of the Education Department only. Though the matter has been pending before this Court for the last three years and though the Petitioner has been consistently pleading that the institutions did not receive any communication from Education Department with regard to teaching of Tamil as compulsory language under Part-I, the respondents have not filed any communication sent to the minority language institutions nor produced any acknowledgment in this regard.

73. Petitioners have further submitted that linguistic institutions came to know about the intent of the Respondent in enforcing the Act after receiving the communication issued by the Director of School Education dated 03.06.2014 only. Though this communication was sent to CEOs and DEOs, the respective DEOs and CEOs circulated this communication to all the institutions. Only then, the institutions came to know that in March 2016, all the students including linguistic minority students have to write Tamil paper under Part-I compulsorily. Various linguistic minority institutions and organization filed Writ Petitions challenging the communication dated 03.06.2014 issued by the Director of School Education before this Court. After Writ Petitions were filed before this Court, the respondent started deputing/appointing teachers in linguistic minority schools. Copies of the communications received from DEOs and CEOs appointing teachers and letters written by Head Masters that the deputed teachers did not join the duty. By order dated 23.11.2015, a Hon'ble Division Bench of this court, was

pleased to pass the following order in the batch of Writ Petitions:

"Learned Advocate General has obtained instructions to state that the competent authority would be in a position to deal with the issue of exemptions of individual students in a time bound manner, keeping in mind the anxiety of the students over the scheduled examination in March 2016.

2. We are informed that some of the students may have applied individually while other through their parents or institutions. In case, some one is left out, the needful be done within two (2) weeks from today. We make it clear that where applications are routed through institutions including Government, schools, it shall be duty of the Head of the institutions to make sure that the applications are forwarded in time.

3. We have impressed upon the Learned Advocate General that keeping in mind that the Rules have been brought into force only in the year 2012 and the issue relates to the fate of the students, who should not suffer, a liberal approach is mandatorily required, especially at the inception stage of introduction of the scheme to ensure that they do not face any harassment and that he must, in turn, impress upon the competent authority that these principles are to be kept in mind while dealing with the applications. Further, we call upon the competent authority to deal with the applications within a period of six (6) weeks from today because we have granted two (2) weeks time for moving any further application.

4. We, are sure that the competent authority, especially in view of what we have observed above, would keep the interest o f the students at heart while deciding the application.

5. We may notice that the latest affidavit filed by the Director of School Education seeks to make a U-turn in as much as what is sought to be pleaded qua minority aided institutions is now that after 1991-92, no aid has been provided qua the teachers appointed and only the aid has been made available for teachers appointed with the permission of the Government prior to that year. It is, thus, stated that it is the schools' job to make available the funds for the teachers to be deployed after that year and wherever a special request is made, the individual cases have been dealt with accordingly. It is stated that this is so in view of the amendment to the Act.

6. Learned Senior Counsel appearing for the Petitioner Organisation in W.P. No. 18019 of 2014, however, states that the prayer sought for in the petition has exhausted itself, but the petitioner organization wants to raise some other issues. We grant them liberty to file a Writ Petition for those aspects. "

74. It is the further contention of the petitioners that as per the directions of this Court, institutions and individual students submitted applications for exemption before the respective competent authorities. But instead of the competent authorities, the Principal Secretary to the Government, the School Education Department by a stereotyped order dismissed all the applications, against which batch of writ petitions were filed. The Petitioner filed W.P. No. 1498 of 2016, challenging the orders passed by the 1st respondent dismissing all the applications. After hearing elaborate arguments, by order dated 25.01.2016, a Division Bench of this court, passed an order granting exemption to all the students, who have applied for exemption from writing Tamil paper under Part-I.

"11. However, in order to ease the anxiety of the students and also on account of the manner in which the earlier exercise has been undertaken, we have no option but for the time being, to exempt all the candidates who had sought exemption from taking the "Tamil" examination. We are passing this omnibus order to prevent the necessity of the concerned students approaching this Court at this last stage on the verge of writing the examination, making it practically impossible to pass exemption order in each of the 7000 students whose applications have been rejected in a mechanical manner on cyclosytlled format.

12. This obviates the need of any of the students to file further writ petitions in Court and this order would govern everyone as stated aforesaid, who had applied, for exemption or the institutions which had applied for exemption on their behalf. "

75. It is the further submission of the petitioners that when the batch of Writ Petitions came up for hearing, on 01.07.2016, the learned Advocate General produced a schedule for submission and disposal of applications for persons seeking exemption from taking examination in Tamil for the year 2017. A time frame has been mentioned in the Schedule. In that time schedule, it was mentioned that applications could be submitted by any students to the Principal/Head Master on or before 20.07.2016 and time schedule of two weeks each for forwarding the application, consideration by the competent authority and forwarding to Director of School Education and

passing orders to the Government. The learned Advocate General also submitted that, if any student was on transfer from another State after 20.07.2016, the application of such students might also be considered for 10th Std. Board Examination 2017. Recording the submissions made by the Learned Advocate General, the proceedings in the batch of Writ Petitions were closed.

76. To the shock and surprise of the Petitioners, the 1st Respondent has sent a letter dated 18.07.2016 to all CEOs and DEOs. The letter contains guidelines for granting exemption to students from writing Tamil at the 10th Std Board Examination. Under the guidelines, only those students who have migrated from other States, could apply for exemption. This is contrary to the Statement made by the learned Advocate General before the Division Bench on 01.07.2016. In spite of these guidelines, several institutions and parents approached the respective CEOs and DEOs with petitions for exemption, but the officials refused to receive stating that only migrant students could apply and no local student could apply and they could not receive the application as per the guidelines. The Petitioner has approached this Court by way of the present Writ Petition challenging the proceedings of the 1st respondent by letter dated 18.07.2016. After filing of the Writ Petitions in the year 2014 by the linguistic minority organizations, the Govt, appointed/deputed Tamil teachers to various minority institutions of the Petitioner Association in the year 2014.

77. It is the further contention of the petitioners that the averments made in Counter Affidavit are not correct; competent authorities were appointed in the year 2012; rules were framed in the year 2012 and Tamil teachers were appointed after filing of writ petition in the year 2014. The members of the Petitioners Association are not against teaching Tamil as a compulsory language. As the State Government started implementing the provisions of the Act only from 03.06.2014, petitioner prays that a period of 10 years may be given to minority institutions to teach Tamil from alphabets at 1st Std so that the linguistic minority students can confidently write the 10th Std. examination in 2024 in Tamil.

78. It is submitted that as the Petitioners are asserting that there were no qualified Tamil teachers appointed in linguistic minority schools and the prescribed Tamil text books were not supplied to the Schools and the Inspecting authority from Education Department did not give any direction to the School, with regard to non teaching of Tamil, which are denied by the Respondents who in turn assert that qualified Tamil teachers have been appointed and Tamil text books have been supplied. As there are two conflicting assertions and as both sides have filed documents in their typed set to substantiate their assertion, it is just and necessary that a

committee of experts may be appointed by this Court to ascertain whether Tamil teaching started from the year 2006 as asserted by the Respondent and ascertain the ground reality existing in the linguistic minority school and submit a Report before this Court.

79. Based on the pleadings, learned counsel appearing for the parties have made their submissions. We have heard the arguments of both the parties and perused the materials available on record.

80. Tamil Learning Act, 2006 (Act 13 of 2006), reads thus:-

An Act to provide a learning of Tamil as one of the subjects in all schools in the State of Tamil Nadu.

WHEREAS, a policy decision has been taken by the Government of Tamil Nadu to ensure that all students studying in standards I to X in all schools in this State to learn Tamil as one of the subjects, in a phased manner, agency including minority school established and administered under clause (1) of Article 30 of the Constitution, whether receiving aid out of the State fund or not; or

(iii) any Nursery and Primary School, Matriculation School, Anglo-Indian School or Oriental School including minority school established and administered under clause (1) of Article 30 of the Constitution, whether receiving aid out of the State fund or not; or

(iv) such other school as may be notified by the Government in this behalf,

Explanation.- For the purpose of this clause.-

(i) Nursery and Primary School shall consist of standards L.K.G. to V;

(ii) Primary School shall consist of standards I to V;

(iii) Middle shall consist of standards I to VIII or standards VI to VIII;

(iv) High shall consist of standards I to X or VI to X or IX and X;

(v) Higher Secondary School shall consist of standards I to XII, VI to XII or standards IX to XII;

Tamil as subject.

3. (1) Tamil shall be taught as a subject in standards I to X 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 from the academic year 2006-2007. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-Seventh Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Tamil Nadu Learning Act, 2006.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,-

(a) "academic year" means the year commencing on the first day of June;

(b) "competent authority" means the competent authority appointed by the Government under section 4;

(c) "Government" means the State Government;

(d) "prescribed" means prescribed by rules;

(e) "school" means,-

(i) any Primary School, Middle School, High School or Higher Secondary School maintained by the State or Local Bodies; or

(ii) any Primary School, Middle School, High School or Higher Secondary School established and administered or maintained by any private educational shall be extended upto X standard in a like manner.

(2) For the purpose of sub-section (1), the pattern of education shall be as follows:-

Part-I Tamil (Compulsory)

Part-II English (Compulsory)

Part-III Other Subjects (Mathematics, Science, Social Science, etc.)

Part-IV Students who do not have either Tamil or English as their mother tongue can study their mother tongue as an optional subject.

Competent authority

4. (1) The Government may, by notification, appoint any officer of the Education Department not below the rank of District Educational Officer to be competent authority for the purposes of carrying out the provisions of this Act and the rules made thereunder and different competent authorities may be appointed for different areas.

(2) The competent authority shall exercise such powers and perform such functions as may be prescribed.

Exemption

5. The Government may, subject to such conditions as they deem fit, by general or special order, exempt any class or category of student or student or students from all or any of the provisions of this Act either in part or in whole.

Competent authority to be

6. The competent authority appointed under section 4 shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

Power of Government to give direction

7 (1) The Government may, in the public interest, by order, direct the competent authority to made an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

(2) On receipt of the report from the competent authority under sub-section (1), the Government shall give such direction as they deem fit and such direction shall be final and binding.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceedings shall be against the competent authority, Government or its Officers for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Power to made rules.

9. (1) The Government may made rules for carrying out the purposes of this Act.

(2) Every rule or notification or order made under this Act, shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order or the Assembly decides that the rule or notification or order should not be made, the rule or notification or order shall thereafter have effect only in such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

Power to remove difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Tamil Nadu Government Gazette, make such provisions, as appears to it to be necessary or expedient for removing the difficulty.

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(By Order of the Governor)

S.Dheenadhayalan,
Secretary to Government-in-charge
Law Department

81. G.O.Ms.No.21, School Education (Q1) Department,
dated 01.02.2010, reads thus:-

Government of Tamil Nadu

Abstract

School Education - Samacheer Education Scheme - implementation
of regularization of school syllabus in all schools - orders
issued.

School Education (Q1) Department

G.O.Ms.No.21

Date: 01.02.2010
Thai 19, Thiruvalluvar
Year 2041

Ref:

Director of School Education letter N.K.No.85300/1/2009,
dated 24.09.2009, 01.12.2009 and 07.12.2009.
Order

The Government had taken a decision for the purpose of
implementing Samacheer Education System that all the
Government aided schools and self financing schools need to
have school syllabus of high order and books and also to have
a common promotion system. The syllabus and also the promotion
system was discussed with the Director of School Education.

2. The School Syllabus under the Samacheer Education
System and promotion is furnished as below:

i) Syllabus

In all schools for the Students of classes 6 to 10 the
following subjects of study will be provided

Part 1 Tamil (compulsory)

Part 2 English (compulsory)

Part 3 Mathematics
Science
Social Science

Part 4 The students who do not have either Tamil or
English
as their mother tongue has a optional subject.

ii) Selection

Under the Samacheer Education System in all types of
school for the 9th Std School Exam and 10th Std Board
Examinations the following selection procedure may be adopted

Subject	Paper 1	Paper 2	Total	The mark to be furnished in the mark sheet
Tamil	100	100	200	100
English	100	100	200	100
Maths	100	--	100	100
Science	The method 75 of assessment 25	--	100	100
Social Science	100	--	100	100
Total				500

As regards Standards 6, 7, 8 in all schools for Tamil and English question paper shall be only one.

3. The Director of Primary Education Officer, Director of School Education and Director of Matriculation Schools and the examiner of Govt exams are instructed to adopt the above syllabus and selection process.

/by order of the Governor/

M.Kutralalingam,
Principal Secretary to Govt

82. G.O.Ms.No.316, Public Education (U2) Department, dated 15.12.2010, reads thus:-

Tamil Nadu Government
Abstract

School Education - Samacheer Education Scheme - conducting Education protecting the interest of students in Minority Language Institutions - order issued.

Public Education (U2) Department

G.O.Ms.No.316

Date: 15.12.2010
Thiruvalluvar Year 2041
Karthikai29
Ref:

1. G.O.No.(Ms).21 Public Education (Q1) Department, dated 01.12.2010.

2. Letter from Director of School Education Chennai-6, N.K.No.95204/K/E3/2010, dated 13.12.2010

Order:

In the Tamil Nadu to teach Tamil has one of the subjects in all schools a law was formulated. In that students who do

not have either Tamil or English as were Mother Tongue can opt for the mother tongue as a optional subject.

2. In that Govt order the procedure to be followed for the Samacheer Educations Scheme and the selection method was formulated. Accordingly under this scheme who are studying Urudhu, Telugu, Kannada and other minority languages there was no scheme for selection. In the circumstances to implement minority language studies in the Samacheer Education Schemes a demand was made from the Tamil Nadu Minority Language Societies and the Director of School Education conducted a meeting with the representatives on 27.10.2010. The persons participated in the meeting had placed the following demands as stated by the Director of School Education in his reference second above.

1. In the study syllabus Urudhu, Kannada, Malayalam, Telugu, Arabic, Samskrit and such minority languages four periods have to be allotted.

2. For all subjects for teaching in Minority Languages suitable study material to be prepared

3. To conduct examination for minority language studies

4. In the mark list the mark given to minority language be in incorporated.

3. Further in the meeting on 11.12.2010 of the Indian Union Muslim League a demand was made that Urudhu should be in the Samacheer Education Scheme and safe guarded. At that time the Hon'ble Chief Minister had assured that suitable action will be taken to protect the Urudhu language in the Samacheer Education Scheme.

4. Further the Director of Public Education indicated that while examination are conducted under the Elementary Middle Level Education Scheme the examination for languages in Urudhu, Kannada, Malayalam, Telugu, Arabic, Samskrit can also be held and suggested the following

i) For teaching minority language allotment of four periods a week.

ii) To prepare text in that language for teaching the subjects in minority languages

iii) For all the classes the examination for minority language to be conducted

iv) As in the lower Matriculation Education Mark List in column 4 the marks obtained by the students studying in minority language we can also be indicated. As regards the 10th Std common exam the marks in part 1, 2 and 3 only will count to be indicated in the mark list. (Specimen)

5. The suggestions of the Director of the School Education was examined by the Government. Accepting the demand of the Indian Union Muslim League at their meeting held on 11.12.2010 in the Chief Minister Samacheer Education Scheme to protect the interest of the Urudhu speaking students the suggestions of the Director of the School Education for accepted and the following orders issued.

i) For teaching minority language allotment of four periods a week.

ii) To prepare text in that language for teaching the subjects in minority languages

iii) For all the classes the examination for minority language to be conducted

iv) As in the lower Matriculation Education Mark List in column 4 the marks obtained by the students studying in minority language can also be indicated. As regards the 10th Std common exam the marks in part 1, 2 and 3 only will count to be indicated in the mark list.

6. The Director of School Education is advised to take proper action to implement the order.

/By order of the Governor/

Sd/-

Jothi Jegarajan
Secretary to Govt

83. G.O.Ms.No.44, Education Department (U2), dated 28.02.2011, reads thus:-

Government of Tamil Nadu

Abstract

School Education Chief Minister's announcement - besides teaching Tamil in the language minority schools in addition Urudhu, Kannada, Telugu, Malayalam, and such mother tongue can be learnt as a lesson and also for examination a minimum mark can be fixed as in the case of Tamil and this announcement made on 25.02.2011 - implementation of the announcement - orders issued.

Education Department (U2)

G.O.Ms.No.44

Dated : 28.02.2011

Thiruvalluvar Year 2042

Masi 16

Order

To enable the minority language students to study in their language the Chief Minister had on 25.02.2011 made the following statements.

"Instead of studying in the state common language of Tamil in Schools the students get educated in colleges coming out of graduates and with the good intention that in all

schools Tamil should be made a compulsory subject an act was passed in the year 2006 and continues to be in force".

Because of this Urdu, Telugu, Malayalam, Kannadam speaking students who are (linguistic Minorities) have represented that there was no scope for their children to study in their mother tongue it was ordered that such students can studying their mother tongue as an additional subject and there was no need to obtain the minimum mark for qualifying.

Thus if no minimum mark is prescribed for qualifying to be minority students they will not bestow attention for study and therefore this has to be changed was the representation of the minority representatives.

This demand was examined. The linguistic minorities in addition to learning Tamil as a subject.

Urdu, Kannadam, Telugu, Malayalam their mother tongue also as a subject to pass the exam a minimum mark to be prescribed as done in respect of Tamil.

2. For the implementation of the announcement of the Chief Minister in Para 1 the Director of the School Education and the Director of Primary Education is advised to take suitable action.

/By order of the Governor/

Sd/- Deva Jothi Jagarajan
Secretary to Government

84. Tamil Nadu Tamil Learning Rules, 2012, reads thus:-

1. Short title and commencement-(a) These rules may be called the Tamil Nadu Tamil Learning Rules, 2012. (b) They shall come into force with effect on said from the 20th April 2012.

2. Definition:-In these rules, unless the context otherwise requires,-

(a) 'Act' means the Tamil Nadu Tamil Learning Act, 2006 (Tamil Nadu Act 13 of 2006);

(b) "optional subject" means the subject referred to in Part-IV in sub-section (2) of Section 3 of the Act.

3. Powers and Functions of the Competent Authority:-The Competent Authority shall exercise the following powers and functions namely:-

(i) To visit any school under his jurisdiction for the purpose of ensuring implementation of the Act; and

(ii) To issue suitable instructions to any school, as and when necessary, with regard to any matter concerning the implementation of the said Act.

4. Syllabi and Text Books for optional subject:-The syllabi and the text books followed for teaching the optional subject immediately before the commencement of these rules may continue to be used for teaching the said subject.

5. Examination for optional subject:-The optional subject may be included as a subject for examination, but the marks obtained in that subject shall not be a factor for deciding the promotion or detention of a student.

6. Time limit for submission of report to Government:-The Competent Authority shall report to the Government, the result of the enquiry or the proceedings taken by him on the direction of the Government by an order under sub-section (1) of Section 7 of the Act within thirty days from the date of receipt of such Order.

85. G.O.Ms.No.145, School Education (ERT) Department, dated 18.09.2014, reads thus:-

Government of Tamil Nadu

Abstract

School Education - Tamil Nadu Tamil Learning Act, 2006 - Schools under Section 2(e)(iv) - Notification - Issued.

School Education (ERT) Department

G.O. (Ms) .No.145

Dated : 18.09.2014

திருவள்ளூர் ஆண்டு, 2045

ஜய வருடம், புரட்டாசி 2

Read:

Tamil Nadu Tamil Learning Act, 2006 (Tamil Nadu Act 13 of 2006)

Order:-

Sub-clause (iv) of clause (e) of section 2 of the Tamil Nadu Tamil Learning Act, 2006 (Tamil Nadu Act 13 of 2006) empowers the State Government to notify any other school as school for the purpose of the said Act. Under the said sub-clause (iv) of clause (e) of section 2, the Government have decided to notify all Nursery and Primary Schools, Middle Schools, High Schools and Higher Secondary Schools (other than schools belonging to 'specified category' as defined in clause (p) of section 2 of Central Act 35 of 2009) as, established and administered or maintained by any person or body of persons including minority schools established and administered under clause (1) of Article 30 of the Constitution of India and affiliated to various Boards other than the State Board of School Examinations (Secondary) and State Board of School Examinations (Higher Secondary), Government of Tamil Nadu, as schools for the purpose of the said Act. The appended Notification will be published in the Tamil Nadu Government Gazette.

2. The Government hereby orders that Tamil shall be taught as a subject in Standards I to X in all schools notified under sub clause (iv) of clause (e) of section 2 of the Tamil Nadu Tamil Learning Act, 2006 (Tamil Nadu Act 13 of 2006) in a phased manner commencing from the academic year 2015-2016 for standard I, from the academic year 2016-2017 for

standard I and II and shall be extended upto standard X in a like manner as shown below:-

From the Academic Year	For Standards
2015-2016	I
2016-2017	I & II
2017-2018	I, II & III
2018-2019	I, II, III & IV
2019-2020	I to V
2020-2021	I to VI
2021-2022	I to VII
2022-2023	I to VIII
2023-2024	I to IX
2024-2025	I to X

/By Order of Governor)

D.SABITHA

Principal Secretary to Government

86. Vide Letter (Ms) No.134, dated 18.07.2016, the Principal Secretary to the Government, School Education Department, Chennai, addressed to the Director of School Education, Chennai, is extracted hereunder:-

Government of Tamil Nadu

School Education Department,
Secretariat, Chennai - 9.

Letter (Ms) No.134, dated : 18.07.2016

From
Tmt.D.Sabitha, I.A.S.,
Principal Secretary to Government.

To
The Director of School Education,
Chennai-6.

Sir,

Sub:- School Education - Tamil Nadu Tamil Learning Act, 2006 - Guidelines for seeking exemption from writing Tamil in the X Standard Board Examination - issued.

Ref:- From the Special Government Pleader, High Court, Chennai, letter dated 04.07.2016.

The Government hereby direct the Director of School Education to issue the following guidelines under the power conferred in Section 5 of the Tamil Nadu Tamil Learning Act, 2006:

Guidelines for granting exemption to students from writing Tamil in the X Standard Board Examination

The following guidelines are issued for consideration and disposal of applications for exemption from students seeking exemption from writing Tamil in the X Standard Board Examination:-

I. a) students whose parents are in Government Service or in employment of Public Sector Undertakings/ Institutions / Companies / Corporations / Private Employment/ Business or any other form of employment in other States and have been transferred / relocated to Tamil Nadu during the course of the academic year and who have not studied Tamil as a language in the school in the State from which they have migrated are eligible to apply.

b) Applications will be submitted to the Principal / Headmaster of the school along with all necessary documents of proof of relocation to the State of their parents.

c) The Principal / Headmaster of the school shall forward the applications to the respective competent authority as notified by the Government vide G.O.Ms.No.104, School Education (U2) Department, Dated 20.4.2012.

2. Based on the above Guidelines, the Director of School Education is also instructed to issue the detailed schedule for submission and disposal of applications seeking exemption from writing Tamil under Part-I in the X Standard Board Examinations, 2017 as detailed below:

Sl.No	Item	Date and Period
1	Submission of Applications by Student to the Principal/Head Master on or before	20.07.2016
2	Forwarding of application by the Principal Head master of the schools to the competent authority	Within two weeks from the date of receipt of application
3	Considering and forwarding recommendations by the competent authority to the Director of School Education	Within two weeks from the date of receipt of application by the competent authority

Sl.N o	Item	Date and Period
4	Forwarding of applications with recommendation from Director of School Education to the Government.	Within two weeks from the date of receipt of application by the Director of School Education
5	Considering and passing order by the Government	Within two weeks from the date of receipt of application

If any student on transfer from another State after 20.07.2016 as his/her parents are in Government Service or in employment of Public Sector Undertaking / Institutions / Companies /Corporations/Private Employment/Business in other states, the application of such students may also be considered on merits provided the application is submitted prior to preparation of nominal roll for the X Standard Board Examination, 2017.

Yours faithfully,

for Principal Secretary to Government

87. Tamil Nadu Tamil Learning Act, 2006 was notified in the Tamil Nadu Government Gazette Extraordinary No.136, Part-IV, Section 2, dated 12th June 2006 and the said Act came into force with effect from 19th June 2006. The validity of the said Act has been upheld by the Division Bench of this Court in W.P.Nos.33953,7879,10601 of 2000 and confirmed by the Hon'ble Supreme Court in SLP(Civil) No.(s).21224/2007, dated 14.07.2008.

88. As per section 3 of the abovesaid Act, the Tamil language has been taught as a compulsory subject, under Part-I from class-1 in a phased manner, ie., from the academic year 2006-07 in Class-I, 2007-08 in classes I and II, 2008-09 in classes I,II and III and so on. However, the students of minority languages are provided with the choice of learning of their mother tongue, such as Kannada, Telugu, Malayalam, Hindi, etc., under part-IV. The pattern of Education prescribed under Section 3 of the Tamil Nadu Tamil Learning Act 2006 is as follows:

Part I - Tamil (Compulsory)

Part II - English (Compulsory)

Part III - Other Subjects such as Mathematics, Science, Social Science, etc.,

Part IV - Students who do not have either Tamil or English as their Mother Tongue can study their Mother Tongue as an optional Subject.

89. Even though the abovesaid Act mandates the learning of Tamil as a Compulsory subject under Part I, there is no restriction to the students insofar as the Medium of Instruction is concerned. The students may study the other subjects specified in Part III in the medium of their mother tongue namely, Kannada, Telugu,, Malayalam, Urdu etc. Subsequent to the enactment of the said Act, detailed instructions were issued by the Director of Elementary Education, Chennai-6, vide proceedings in Rc.No.18640/F1/2006, dated 17.06.2006 and by the Director of School Education, vide Proceedings in Na.Ka.No.95204/K/E3/2010, dated 19.08.2011, Na.Ka.No.7272716/C5 /E2/2014 dated 03.06.2014 and 04.05.2015 to all the Chief Education Officers, District Elementary Educational Officers, District Educational Officers and Head Masters of all Schools regarding the effective implementation of the said Act. Besides the abovesaid circulars, periodical instructions are being issued to the field level Officers and Head Masters of the School to ensure the effective proper implementation of the said Act in all schools.

90. Government schools, both the Secondary Grade Teachers and B.T. teachers are handling Tamil subjects. Further, the Secondary grade Teachers are eligible to teach Tamil classes upto VIII Standard, whereas, the B.T.Teachers are eligible to teach Tamil subject from VI to X Standard. The implementation of Tamil Learning Act 2006 has reached the IX Standard in the year 2014-15, in that years all the vacant posts of B.T Tamil teachers in all Government Schools have been filled up. Almost all the teacher posts sanctioned in the Aided schools to teach Tamil were provided with necessary approval and salary by the Government. In the occasions of very minimum of shortfall of teachers were filled up by the deputation by the managements of the respective Aided school managements. Apart from approving teachers posts in Tamil subjects in the aided schools, free Text books of Tamil subject were distributed to all aided schools.

91. Insofar as the Aided schools are concerned, no new post in Tamil subject or any other subject has been sanctioned by the Government which has commenced the class or course of instruction after the commencement of the academic year 1991-92. It is the sole responsibility of the management of those schools to appoint teachers for all subjects including Tamil to meet the necessity, if any after 1991-92. As per G.O.Ms.No.100, School Education Department, dated 27.6.2013, the Government have decided to appoint B.T.Assistants in the Secondary Grade Teachers vacancies, w.e.f. 27.06.2003, and it has also been clearly stated that such Secondary Grade Teacher vacancies will be filled up by B.T. Assistants in Mathematics, Science and English in the first phase. It is also pertinent to note that the existing Secondary Grade Teachers are eligible to handle all subjects including Tamil till 8th Standard until such vacancies of Secondary Grade Teachers are

converted into B.T. Teacher vacancies at the time of vacancy arises due to retirement, resignation or death.

92. Since, from the academic year 2014-15, the Tamil Learning Act, 2006 was extended to 9th Standard minority students, 32 regular B.T. (Tamil) Teacher posts were created and appointed in the schools of Krishnagiri District. Whereas, in the Kanyakumari and Thiruvallur Districts, all the schools are Bi-lingual schools (Both Tamil medium and Malayalam/Telugu medium) and therefore, regular B.T.Assistants (Tamil), who have already handling classes for Tamil medium sections, also handled Malayalam/Telugu medium students. Chief Educational Officers has ensured the implementation and submitted a report.

93. Government have issued guidelines in Government Letter No.134, dated 18.07.2016, regarding the time schedule and eligibility criteria for applying exemption from writing Tamil language under Paper-I compulsory subject in the SSLC Board examination 2017. In the above said guidelines, it was mentioned that only those students migrated to the State of Tamil Nadu from other States, during the academic year 2016-17 and joined in X Standard in Tamil Nadu, during the said academic year and who had no opportunity to study Tamil during previous years are eligible to apply.

94. However, subsequently, the students who have migrated to the State of Tamil Nadu, during the academic years 2015-16 and 2016-07 are also permitted to apply for exemption, vide subsequent guidelines issued in Govt. Letter. (Ms.)No.2, School Education Department, dated 02.01.2017, which was confirmed by the Hon'ble Division Bench, in its order, dated 03.01.2017 in W.P.No.43280 of 2016. Inspite of various circulars and periodical instructions issued by the authorities, regarding the implementation of the Tamil Nadu Tamil Learning Act, 2006, the petitioners schools neither adhered to the instructions of the authorities nor approached this Court, explaining their grievances for not following the instructions of the authorities and sought suitable remedies. On the other hand, several litigations were filed by the petitioners, only when the provisions of the Tamil Nadu Tamil Learning Act, 2006 was implemented upto X Standard in the academic year 2015-16, stating various reasons namely. Rules under the said Act were framed only in the year 2012, no sufficient number of Tamil teachers were appointed in aided schools, etc., If the petitioners are really intended to implement the provisions of the Tamil Learning Ac, 2006 as stipulated in the provisions of the said AC, they should have approached this Hon'ble Court much earlier to 2016 and sought remedies by explaining their grievances. But, the petitioners have come before this Court only when the Tamil Learning Act, 2006 was implemented upto X Standard in the year 2016, solely with a view to evade the provisions of the said Act.

95. Students of the petitioner Association schools too have already submitted their declaration forms for the Examination, thereby undertaking to take up Tamil subject as Part-I compulsory subject and to write their mother tongue (minority language) under Part-IV optional subject. The abovesaid declaration forms were duly signed by the students as well as parents, which clearly indicated that all the students are prepared to take up Tamil language as Part-I compulsory subject in the S.S.L.C. Examination in March' 2017 and therefore, no exemption would be granted. As per the provisions contained in Section 5 of the Tamil Learning Act, 2006, exemption can be granted only to the students from the provisions of the said Act.

96. Public Interest Litigation was filed by one Thiru.A.V.Pandian before this Court in W.P.No.14150 of 2014, for implementation of the provisions of Right of Children to Free and Compulsory Education Act, 2009(Central Act 35 of 2009), against the schools affiliated to CBSE as well as unauthorized schools. Consequent on the filing of the above Public Interest Litigation, Government in the meanwhile issued necessary amendment to the explanations in rule 12 of the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 in G.O.Ms.No.144, School Education (GE) Department, Dated 18.09.2014 authorizing the Director of School Education as the competent authority for according recognition to the schools affiliated to Boards other than the State Board of School Examination (Secondary) and State Board of School Examinations (Higher Secondary) Government of Tamil Nadu and the same was informed to this Court, by filing counter affidavit and taking note of the same, the Hon'ble Division Bench of this Court disposed of the matter.

97. Pursuant to the amendment issued in the above said G.O.Ms.No.44, School Education (ERT) Department, dated 18.09.2014, the Government issued G.O.Ms.No.145, under sub-clause (iv) of clause (e) of section 2 of the Tamil Nadu Tamil Learning Act, 2006, notifying that all Nursery and Primary Schools, Middle Schools, High Schools, Higher Secondary Schools (other than schools belonging to specified category as defined under Clause (p) of Section 2 of the Central Act 35 of 2009), established and administered or maintained by any person or body of persons including minority schools established and administered under clause (1) of Article 30 of the Constitution of India and affiliated to various boards other than the State Board of School Examinations (Secondary) and State Board of School Examinations (Higher Secondary) Government of Tamil Nadu as Schools for the purpose of the said Act.

98. Government have also ordered therein that Tamil shall be taught as a sublet in standards I to X in all schools (namely Schools under CBSE and ICSE etc.) notified under sub clause (iv) of clause (e), clause of Section 2 of the Tamil

Nadu Tamil Learning Act, 2006 in a phased manner commencing from the academic year 2015-16 for Standard I, from the academic year 2016-17 for standards I and II and shall be extended upto standard X in a like manner as shown below:

From the Academic Year	For Standards
2015-16	I
2016-17	I and II
2017-18	I, II and III
2018-19	I, II, III and IV
2019-20	I to V
2020-21	I to VI
2021-22	I to VII
2022-23	I to VIII
2023-24	I to IX
2024-25	I to X

99. As rightly contended that the petitioners have misconstrued the scope of section 4(1) of TamilNadu Tamil Learning Act, 2006 with section 5 of the said Act. Section 4 (1) of the Act empowers the Government to appoint by notification the competent authority for the purpose of carrying out the provisions of the Act and rules were as section 5 of the Act empowers the Government to grant exemptions from the provisions of the Act and therefore, it is clear to the Competent authority specified in section 4(1) of the Act are appointed by the Government only for the purpose of carrying out the provisions of the Act and the rules made thereunder. Such authority has no power to deal with the exemption application under section 5 of the Act, since the Government have alone been empowered to grant exemption under section 5 and therefore, orders passed by the Government on the applications, seeking exemption from writing Tamil in March, 2016 in the Tenth standard Board Examination are legally valid in law. Almost all the sanctioned posts of Graduate teacher (Tamil) (BT. Asst. Tamil) in the minority schools in the State, are approved by the Government and they are paid Government salary. Further, in view of the financial hardship faced by the Government, the Government has taken a policy decision not to pay grant to any aided post, from the year 1992 and accordingly, amended the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, inserting new Section 14-A, as per which no grant shall be paid to any private school, which has been established on or after the academic year 1991-1992 and therefore, all the schools are under

obligation to appoint Tamil Teachers to teach Tamil, as compulsory subject under Part-1 of the Tamil Nadu Tamil Learning Act, 2006 and they cannot expect that Government will sanction sufficient number of posts of Graduate Teachers (Tamil) for the purpose of teaching Tamil in Aided Schools, in addition to the posts sanctioned prior to the year 1991-1992.

100. As per section 3 of the Tamil Nadu Tamil Learning Act, 2006, Tamil shall be taught as a compulsory subject, under Part I 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 and therefore, a student in VI th standard had to learn Tamil as a compulsory subject during the academic year 2011-2012. The Tamil Nadu Uniform System of School Education Act, 2010 was implemented in the year 2010. Since the student who had studied I Std in the year 2006-2007 would have studied VI Standard during the academic year 2011-2012, at that time the Uniform System of School Education was implemented, orders were issued in G.O.Ms.No.21, School Education Department, dated 01/02/2010, specifying the subjects of study to be followed for standards VI-X. Therefore, it is needless to mention about the standards I to V in the G.O.Ms.No.21, which was issued in the year 2010 i.e., on 01.02.2010.

101. In the year 2006 itself. detailed instructions have been issued to all the Schools, regarding the implementation of the Tamil Nadu Tamil Learning Act, 2006, vide the proceedings of the Director of Elementary Education in R.C.No.18640/F1/06, dated 17.06.2006 and therefore, the averment of the petitioners that they did not receive any communication, regarding implementation of Tamil Nadu Tamil learning Act, 2006, is totally baseless. The Department officials, viz., Chief Educational Officer, District Elementary Educational Officers and District Educational Officers have been given suitable instructions to the Head masters in the periodical meetings of Head Masters regarding the implementation of Tamil Nadu Act, 13 of 2006 with emphasis for learning Tamil as compulsory subject and Part I.

102. Since the Act has been passed in the year 2006 itself, it is the duty of the school authorities to ensure that Tamil language has been taught as compulsory subject under Part-I, in a phased manner for standard I from the academic year 2006-07, as specified in section 3 of the Act and to bring it to the knowledge of the competent authorities concerned, regarding their inability to implement the Act. The petitioners having failed to approach the authorities concerned regarding their inability to teach Tamil, as compulsory subject under Part I in their schools, at the appropriate time, ie., at the time of commencement of Act itself, they cannot now seek exemption, more particularly,

when the students about to face the tenth Standard Board Examinations in March' 2017.

103. Tamil subject under Part-1 consist of 2 papers. Paper I consist of prose and poetry and paper II consist of Grammar, Non-Detail, General Essay and letter writing. For a student to have a comprehensive and indepth knowledge of Tamil, must necessarily learn the above said two papers. The above said two papers are inseparable. Omitting any one of the two papers would make learning of Tamil Subject meaningless and hence, both Papers I and II are very much essential for occurring complete knowledge of Tamil Language in the abovesaid circumstances substituting one of the above said 2 papers by a minority language as claimed by the petitioner is not acceptable and deserved no valid consideration.

104. Decision reported in (2014) 9 SCC 485, referred to by the petitioners, deals with the issue of medium of instruction and it has no relevance to the issue of introducing Tamil as a compulsory subject under Part I. So far as the medium of instruction is concerned, the Government of Tamil Nadu have no restriction to the students. Based on the various judgments and issues raised by the parents, Government have issued G.O.Ms.No.232, School Education (ERT) Department, dated 08.11.2017,

"In exercise of the powers conferred by section 5 of the Tamil Nadu Tamil Learning Act 2006, (Tamil Nadu Act 13 of 2006), the Governor of Tamil Nadu hereby exempts the students whose parents are employed in any Government Service / Public Sector undertakings / Institutions/Companies/Corporations/Privateemployment/Business or any other form of employment in other States and have been transferred/ relocated to Tamil Nadu during the course of the academic year and joined in Standard IX or Standard X in this State and who have not studied Tamil as a Language in the School in the State from which they have migrated, from writing Tamil Language as compulsory subject under Part I and X Standard Board Examination."

105. As per the above, G.O.Ms.No.58, students who have migrated to Tamilnadu from other states, during 2016-17 and 2017-18 were exempted from writing Tamil under Part-I in the S.S.L.C examination, March 2018. In accordance with G.O.(Ms.) No.37 School Education Department, dated 06.03.2018, the following modification has been issued to G.O.Ms.No.232, School Education (ERT) Department, dated 08.11.2017. Based on the powers granted to the Government under Section 5 of the Tamil Learning Act, 2006 to give exemption to the students who were admitted in the 9th and 10th Standards in the State Board Syllabus schools, from other Boards, such as, C.B.S.E. and

I.C.S.E. (other than State Board of Tamil Nadu) are also exempted from writing Tamil Under Part-I upto the academic year 2023-24.

106. Based on the above Government Order, a detailed circular, Rc.No.5000/D1/S4/2018, dated 09.08.2018, of the Director of School Education, Chennai-6, has been issued to all the Chief Educational Officers, so as to get the applications of the students, who were migrated from other States / other Boards (such as C.B.S.E. and I.C.S.E.) to Tamil Nadu State Government Schools in the 9th Standard and 10th Standard during the last two years to give exemption from writing Tamil under Part-1.

107. For the foregoing reasons, Letter (MS) No.134, dated 18.07.2016, cannot be quashed. However, having regard to the discussion, the respondents are directed to grant exemption to the students, studying linguistic minority schools, from writing Tamil language papers in 10th Standard Public Examination under Batch I for three years 2020 to 2022 Academic Years only.

108. With the above directions, all the writ petitions and writ appeal are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
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.
- 4 THE CHIEF EDUCATIONAL OFFICER,
NAGARKOIL, KANNIYAKUMARI DISTRICT.

- 5 THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI- 600 006.
- 6 THE DIRECTOR OF MATRICULATION
SCHOOLS COLLEGE ROAD, DPI CAMPUS,
NUNGAMBAKKAM, CHENNAI-600006.
- 7 THE CHIEF EDUCATIONAL OFFICER,
GOVERNMENT BOYS HR.SEC. SCHOOL CAMPUS,
KRISHNAGIRI.
- 8 THE DISTRICT EDUCATIONAL OFFICER,
MULLAI NAGAR, RAYAKOTTAI ROAD,
HOSUR, KRISHNAGIRI DISTRICT.
- 9 THE INSPECTOR OF MATRICULATION SCHOOLS,
COLLEGE ROAD,
DPI CAMPUS, NUNGAMBAKKAN,
CHENNAI-6.
10. THE INSPECTOR OF MATRICULATION
SCHOOLS ROOM NO.305, 3RD FLOOR,
COLLECTORATE, SALEM.

+2cc to Mr.Krihsna Ravindran, Advocate Sr.81445
+1cc to Mr.P.soloman Francis, Advocate Sr.81679
+4cc to Mr.D.Ramesh kumar, Advocate Sr.82005
+1cc to the Government Pleader Sr.82276

W.P.Nos.28032, 28033, 33351, 33352, 44780 of 2016
W.P.Nos.1510, 1511, 5666, 5667, 24850 of 2017
W.P.Nos.1546 of 2018 and W.A.No.151 of 2017
and connected Miscellaneous Petitions

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