

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.33100 of 2019

Montfort Anglo Indian Higher Secondary School,
Yercaud, Salem District,
rep. by its Headmaster,
Bro.Domnic Savio.S,
S/o.Susai Marian

... Petitioner

vs.

1. The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.
2. The Director of School Education,
DPI Compound, College Road,
Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
Chief Education Office,
Salem, Salem District.
4. The District Educational Officer,
District Education Office,
Salem, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, to direct the Respondents to grant exemption to those students of the petitioner School namely (i) Sai Prashanth,A. (2) Dorene Roxana (3) Agilan Ramachandran (4) Rohan Sheby Jacob (5) Allen Varghese (6) Arnav Hosakere (7) Joshua V L Lianzuala (8) Samuel Joshua Zolianzara (9) Tarun, N.(10) Anandh Ram, M. (11) Shiyam Prakash, S. (12) Akileshwaran Pillai, V.(13) Palgati Sushanth Reddy (14) Samuel Sebastian (15) Riya Shibu (16) Anjani Priya

Reddy D.S. (17) Shiyamala Devi, S. (18) Sarvesh, T. (19) Adithya, M.S. (20) Dhirendra, M. (21) Sriram M.N. (22) Haresh L.S. (23) Niranjana G.(24) Chandra Bharathi Jeeva, (25) Dhayal Rayen, K.(26) Gokula Krishna KR (27) Vijayendran R. (28) Alvin Neon, R. (29) Vashim H. (30) Mabitta, F.(31) Prarthana Rai, S. (32) Jayesh, R. from compulsorily writing the Tamil language papers in 10th Standard Public examination under Part-I in March 2020 for the Academic year 2019-20.

For Petitioner :Mr.R.Nalliyappan

For Respondents 1 to 4 :Mr.A.Rajaperumal,
Additional Government Pleader

O R D E R

(Order of the Court made by M.M.SUNDRESH,J.)

The Petitioner made representations to the 2nd Respondent on 15.10.2019 and on 17.10.2019, to consider the Applications of the students, seeking exemption under Section 5 of Tamil Learning Act, 2006. Thereafter, the present Writ Petition has been filed seeking an order to direct the Respondents to grant exemption.

2. Learned Additional Government Pleader appearing for the Respondents submitted that, the issue involved in this case is covered by the order dated 23.09.2019 passed by a Full Bench of this Court in W.P.No.28032 of 2016, batch of cases, wherein, it has been held as follows:

"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 9 th and 10 th 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."

3. Thus, in the light of the aforesaid decision and without going into the merits of the case, we call upon the 2nd Respondent/Director of School Education, Chennai, to pass appropriate orders on the said aforesaid representation said to have been made by the Petitioner, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.33541 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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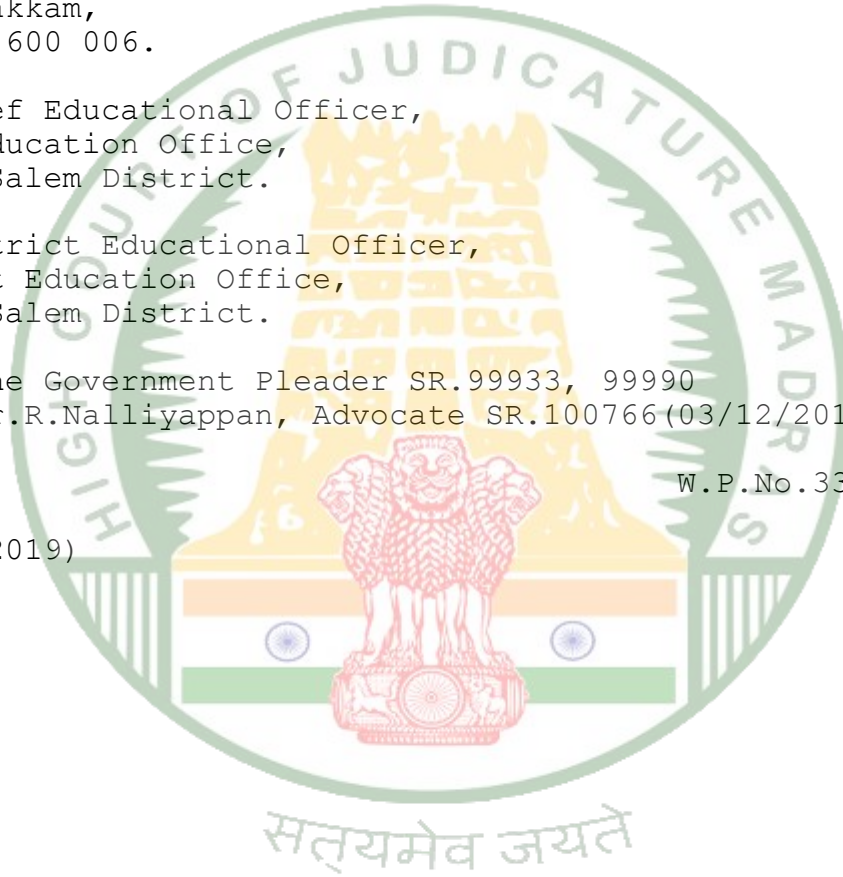
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+1cc to the Government Pleader SR.99933, 99990

+1cc to Mr.R.Nalliyappan, Advocate SR.100766(03/12/2019)

W.P.No.33100 of 2019

RSI (CO)
CB(02/12/2019)



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