



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.34636 of 2019  
and  
W.M.P.No.35387 of 2019

Sacred Heart Girls Anglo Indian  
Higher Secondary School,  
Yercaud, Salem District.  
Represented by its Principal  
Sr.Nancy  
D/o.K.L.Sebastian

... Petitioner

Vs

- 1.The Government of Tamil Nadu,  
represented by its Principal Secretary,  
Department of School Education,  
Fort St.George, Chennai - 600009.
- 2.The Director of School Education,  
DPI Compound,  
College Road, Nungambakkam,  
Chennai - 600006.
- 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 praying to issue a Writ of Mandamus directing respondents to grant exemption to the students of the petitioner school, viz., 1)Emilda Elso Jaymon 2)Lavanya.A 3) Rachel Chelesea Lobo from compulsorily writing the Tamil language papers in 10<sup>th</sup> Standard Public Examination under Part-I in March 2020 for the Academic Year 2019-20.

For Petitioner : Mr.R.Nalliyappan

For Respondents: Mr.C.Munusamy  
Special Government Pleader



O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing respondents to grant exemption to the students of the petitioner school, viz., 1) Emilda Elso Jaymon 2) Lavanya.A and 3) Rachel Chelesea Lobo from compulsorily writing the Tamil language papers in 10<sup>th</sup> Standard Public Examination under Part-I in March 2020 for the Academic Year 2019-20.

2. Heard learned counsel for petitioner and learned Special Government Pleader appearing for respondents.

3. Learned Special Government Pleader appearing for respondents submits that the issue involved in this case is covered by the decision of the Full Bench of this Court in W.P.No.28032 of 2016 dated 23.09.2019, 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<sup>th</sup> and 10<sup>th</sup> 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 9<sup>th</sup> Standard and 10<sup>th</sup> 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 10<sup>th</sup> 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.'

4. In the light of the aforesaid decision and without going into the merits of the case, we call upon the second respondent/Director of School Education, Chennai, to pass appropriate orders on the petitioner's representation, within a period of two weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Principal Secretary,  
Government of Tamil Nadu,  
Department of School Education,  
Fort St.George, Chennai - 600009.

2.The Director of School Education,  
DPI Compound,  
College Road, Nungambakkam,  
Chennai - 600006.

3.The Chief Educational Officer,  
Chief Education Office,  
Salem, Salem District.

4.The District Educational Officer,  
District Education Office,  
Salem, Salem District.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No. 104346  
+1cc to the Government Pleader, S.R.No. 105316

Writ Petition No.34636 of 2019

RGN(CO)  
GN(19/12/2019)