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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.334 of 2022

The Organisation of Muslim Education Institutions
and Associations of Tamil Nadu (OMEIAT)

Rep. by the General Secretary

S.Ahamed Meeran

Regd. Office: Anjuman Campus

No.16, B N Reddy Road, T.Nagar

Chennai 600 017.

.. Petitioner

Vs.

1. State of Tamil Nadu

rep. by its Principal Secretary to Government

School Education Department

Secretariat, Chennai 600 009.

2. The Director of School Education

DPI Campus, College Road

Chennai 600 006.

3. The Director of Government Examinations

DPI Campus, College Road

Chennai 600 006.

4. 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.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 3 herein to include minority languages, other than Tamil, as one of the compulsory papers for Paper II under Part-I, along



with Tamil, to get a pass mark in the X Standard Public Examinations.

For the Petitioner : Mr.Krishna Ravindran

For the Respondents : Mrs.Mythereye Chandru
Special Govt. Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed for a direction to the respondents 1 to 3 to include the minority languages, other than Tamil, as one of the compulsory papers for Paper II under Part-I, along with Tamil, to get a pass mark in the X Standard Public Examinations.

2. A writ petition with similar prayer, rather almost identical, was preferred by the petitioner in W.P.No.28034 of 2016 and the same was disposed of by this Court by order dated 01.02.2017. Therefore, a second writ petition for the same prayer is not maintainable. If the compliance of the earlier order was not made, the petitioner ought to have filed a contempt petition for non-compliance of the order, but cannot invoke the jurisdiction of this Court again for the same relief, thereby multiplying the litigation unnecessarily. Further, it cannot be permitted only for the reason that the petitioner was sleeping over the matter for years together to seek compliance of the order.

3. Even if we dispose of this matter with the same direction as was given in the earlier writ petition filed by the petitioner, there may be non compliance of the said order and in such event, the petitioner would come out with the third writ petition because they do not have any intention to file a contempt petition.

4. The procedure aforesaid is not permissible, rather it has to be avoided. It is more so while the issue raised by the petitioner is considered to be a policy decision to be taken by the respondents as per the earlier judgment.



5. In view of the above, a prayer is made by learned counsel for the petitioner that instead of directing the respondents to take a policy decision now, a direction may be issued to include the minority language other than the compulsory language for the option of the students. We cannot go against the earlier decision of the Division Bench holding it to be a policy decision and thus, the prayer made by learned counsel for the petitioner cannot be granted.

6. That apart, as per the statement of learned Special Government Pleader, a notification already exists facilitating the minority institution to provide an option to the students to write the papers in their mother tongue and the said notification is operational till March 2022.

7. Taking into consideration the facts and circumstances of the case, we do not find it appropriate to issue the same direction as was given by this Court in the earlier writ petition filed by the petitioner for the same relief.

8. The writ petition is, accordingly, dismissed. However, the petitioner would be at liberty to take steps to seek compliance of the earlier order of the Division Bench, as per law. The dismissal of this writ petition would not come in the way of the petitioner for the aforesaid purpose. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

kpl

To:

1. The Principal Secretary to Government
School Education Department
Secretariat, Chennai 600 009.
2. The Director of School Education
DPI Campus, College Road
Chennai 600 006.
3. The Director of Government Examinations
DPI Campus, College Road
Chennai 600 006.



+lcc to Mr.Krishna Ravindran, Advocate SR.No.2187

+lcc to the Government Pleader, SR.No.2738

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KSM(CO)
CB(21/01/2022)