



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.2.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.3681 OF 2022

P.A.Josseph

...Petitioner

Vs

- 1.The State of Tamil Nadu
Rep by its Chief Secretary, Secretariat
Buildings Fort St. George, Chennai-9.
- 2.The State of Tamil Nadu
Rep by its Principal Secretary, School
Education Department, Secretariat Buildings
Fort st George, Chennai-9.
- 3.The Director
Directorate of School Education,
DPI Campus, Chennai-6.
- 4.State of Tamil Nadu
Rep by its Principle Secretary, Health and
Family Welfare (MCA-I) Department
Fort St. George, Chennai-9.
- 5.The Under Secretary
Prime Minister Office, South Block
Raisina Hill, New Delhi-110 011
- 6.The Secretary
Ministry of Education, 124-C Shastri Bhawan
Delhi-110 001

...Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ Mandamus directing respondents No. 1 to 4 to adopt the NCRET Syllabus from elementary to higher secondary in all Tamil Nadu government and government aided schools to enhance the education in order to meet all central and other state governments entrance qualifying and employment exams based on his representations dated



08.02.2021 and 23.08.2021 for that 5th to 6th respondents allot sufficient fund to Tamil Nadu Government to implement NCERT syllabus in all government schools as well as provide orientation programs to government school teachers for enhancing their teaching level and develop the sophisticated infrastructure as soon as possible or upcoming academic year.

For Petitioner : Mr.R.Barnabas

For Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 and R4

Mrs.T.Mythreye Chandru
Special Government Pleader
for R2 and R3

Mr.Prasath Ramasamy,
Central Government Standing
Counsel for R5 and R6

ORDER

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

We have heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking a direction to respondents 1 to 4 to adopt NCERT syllabus from elementary to higher secondary schools in the State of Tamil Nadu, so that the students studying in the Government Schools may compete properly for the next examination, which may be either for higher studies or for any other competition.

3. The learned counsel for the petitioner has failed to refer to any provision which mandates the State Government to adopt the NCERT syllabus for the Government schools. Rather, the State Government has come out with a syllabus and the challenge to that did not sustain up to the Supreme Court. It was in the case of State of Tamil Nadu & Others Vs. K.Shyam Sundar & Others [Civil Appeal Nos.6015-6027 of 2011 dated 09.8.2011]. Apart from that, it being a policy decision not shown to be in violation of the statutory provisions, the jurisdiction of this Court would be very limited. It is up to the State Government to take a policy decision regarding syllabus, whether to adopt NCERT syllabus or to provide some other syllabus as per the Rules.

4. That being the position, the direction as sought for by the petitioner cannot be granted. It is more so when the judgment of the Allahabad High Court referred to by the



petitioner in the case of Shiv Kumar Pathak Vs. State of U.P. [W.P.No.57476 of 2013 dated 18.8.2015] has no application to the facts of the case.

5. Accordingly, the writ petition is dismissed finding that it is devoid of merits. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

RS

To:

- 1.The Chief Secretary,
The State of Tamil Nadu
Secretariat Buildings
Fort St. George, Chennai-9.
- 2.The Principal Secretary,
The State of Tamil Nadu
School Education Department,
Secretariat Buildings
Fort st George, Chennai-9.
- 3.The Director
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- 4.The Principle Secretary,
State of Tamil Nadu
Health and Family Welfare (MCA-I) Department
Fort St. George, Chennai-9.
- 5.The Under Secretary
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- 6.The Secretary
Ministry of Education, 124-C Shastri Bhawan
Delhi-110 001

+2ccs to Mr.R.Barnabas, Advocate Sr.No.12078
+1cc to Mr.R.Prasath, Advocate Sr.No.12575 (02/03/2022)
+1cc to the Government Pleader Sr.No.12749 (02/03/2022)

W.P.No.3681 of 2022

SRA(CO)
RVM(01/03/2022)