

[2023 LiveLaw \(SC\) 839](#)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SANJAY KISHAN KAUL; J., SUDHANSHU DHULIA; J.
CIVIL APPEAL NOS. 744-745 / 2023; 21 September 2023

LINGUISTIC MINORITIES FORUM OF TAMIL NADU *versus* THE STATE OF TAMIL NADU & ORS.

Tamil Nadu Tamil Learning Act, 2006 - The State had issued circulars mandating the study of Tamil as a primary subject while allowing linguistic minorities the option to study their mother tongue. Held, the state's circulars should be executed in their entirety. Therefore, similar to other subjects, minimum qualifying marks should be stipulated for the mother tongue and reflected in students' mark sheets.

For Appellant(s) Mr. Byrapaneni Suyodhan, Adv. Mr. Kumar Shashank, Adv. Mr. Bharat J Joshi, Adv. Ms. Nitipriya Kar, Adv. Ms. Tatini Basu, AOR

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv. Mr. D. Kumanan, AOR Mr. Sheikh F Kalia, Adv. Mrs. Deepa. S, Adv. Ms. Akanksha Mehta, Adv. Mr. Varun K Chopra, Adv.

ORDER

India is a vast country with many diversities including languages. There are sentiments involved in respect of preserving one's mother tongue i.e. the native language spoken by the people of the States. Persons whose mother tongue is different from the language of the State also reside in that State but would like to maintain their culture and language.

In the aforesaid background, a very limited question now arises before us as learned counsel for the appellant has confined his submissions to a smaller arena- which is, to encourage proficiency in the mother language, these being linguistic minority institutions. Not only that, the reliance is also on the circulars already issued by the State Government and we have to only interpret two circulars in question.

The first is the circular dated 15.12.2010 which records that "*In the Tamil Nadu to teach Tamil as one of the subjects in all schools a law was formulated. In that students who do not have either Tamil or English as their mother tongue can opt for the mother tongue as an optional subject.*" Under the scheme, in reference to studying Urdu/Kannada/Telugu and other minority languages, there was no scheme for selection. A meeting was held with the representatives on making such a demand. The discussion produced the result that it was resolved that the following suggestions could be accepted and implemented:

- "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 as indicated in the mark list."

We shall return to the G.O.Ms.No.316 dated 15.12.2010. Another G.O.Ms.No.44 dated 28.02.2011 was also issued stating that in view of the representations received, to facilitate the children to study in their mother tongue, the mother tongue subject as an optional subject should be prescribed with no need to obtain minimum qualifying marks. However, this was subject to the requirement that students who study:

“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.”

Learned counsel for the appellant has also made a reference to the Tamil Nadu Learning Act, 2006 which states that all students shall study Tamil as a first subject and those students who do not have Tamil as their mother tongue, should adopt the following scheme:

Part 1	Tamil (Compulsory)
Part 2	English (Compulsory)
Part 3	Other subjects (Mathematics, Science, Social studies)
Part 4	Students who do not have either Tamil or English as the Mother tongue can study in their Mother Tongue as an optional subject.

In view of the aforesaid, the submission is that keeping in mind the safeguards guaranteed to the linguistic minorities in State of Madras vide GO Ms No.115 Public (Defence) dated 29.01.1965, the aforesaid circulars are in furtherance of this objective.

The limited grievance is that despite the aforesaid circulars, minimum marks are not being prescribed for the mother tongue. The submission is that there will be no incentive nor efficiency obtained in the mother tongue which is the very objective of this benefit which is sought to be enacted for the linguistic minorities.

On hearing learned counsel for parties, we are of the view that the appellant is right in contending that in order to suitably protect the interests of the linguistic minority institutions and the linguistic minorities, while proficiency in Tamil and English is required, they must be incentivised to have a similar proficiency in their mother tongue, *albeit*, as an optional subject. This is also the purport of the circulars referred to aforesaid.

The medium of instructions in linguist minority institutions is also the mother tongue and thus, proficiency in that language is necessary for the basic educational purposes.

It is thus, sufficient for us to opine that these circulars must be followed in true letter and spirit and the result of that is that the minimum marks as is provided for other subjects should also be provided for the mother tongue and reflected in the mark sheet. The respondent can hardly have any quibble with the aforesaid proposition.

The appeals are disposed of.

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