

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Monday, the 9th day of June 2025 / 19th Jyaishta, 1947
WP(PIL) NO. 48 OF 2025(S)

PETITIONER:

AJAS AKBER P I, AGED 29 YEARS, S/O. SHRI.K K MOHAMMED AKBER,
A SOCIAL WORKER & PRESIDENT OF NATIONAL STUDENTS UNION OF INDIA,
LAKSHADWEEP UNIT AND R/O. PUTHIYA ILLAM, P.O KALPENI ISLAND,
U.T OF LAKSHADWEEP, PIN - 682 557.

RESPONDENTS:

1. UNION TERRITORY OF LAKSHADWEEP, REPRESENTED BY HON'BLE ADMINISTRATOR, P O KAVARATTI, U.T OF LAKSHADWEEP, PIN - 682 555.
2. THE SECRETARY TO THE EDUCATION, DEPARTMENT OF EDUCATION, P.O KAVARATTI, U.T OF LAKSHADWEEP, PIN - 682 555.
3. DIRECTOR OF EDUCATION, DEPARTMENT OF EDUCATION, U.T OF LAKSHADWEEP, P.O KAVARATTI, PIN - 682 555.

Writ petition (public interest litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to stay the operation of EXHIBIT P1 order of the Administration till this matter is finally decided.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 05/06/2025 and upon hearing the arguments of M/S. REENA SHARON SURESH & K.P.S.SURESH, Advocates for the petitioner, M/S. K.S.PRENJITH KUMAR, CENTRAL GOVERNMENT COUNSEL for the respondents, the court passed the following:

P.T.O.

NITIN JAMDAR, C.J.

&

BASANT BALAJI, J.

W.P.(PIL). No. 48 of 2025

Dated this the 9th day of June, 2025.

ORDER

Nitin Jamdar, C. J.

This petition is filed in public interest by a resident of Kalpeni Island in the Union Territory of Lakshadweep, challenging the office order dated 14 May 2025, issued by the Director of Education, Union Territory of Lakshadweep, regarding the implementation of the Three-Language Formula (TLF) from Standard I onwards, excluding Mahl and Arabic as optional subjects.

2. The Petitioner contends that the impugned decision was hastily taken by the Director of Education – Respondent No. 3, without consultation with the stakeholders and without conducting any proper study as to its implications on the education system in the islands of Lakshadweep, including Minicoy, and the cultural issues that may arise. The Petitioner contends that the education system prevalent in the Union Territory of Lakshadweep for the past seventy years had the option of Arabic/Mahl as a third language. The Petitioner further states that, with regard to Minicoy Island, the Mahl language holds a distinct cultural identity. The Petitioner contends that the exercise is done casually by issuing an mere office order, which is ordinarily issued for routine administrative matters. The office order has given no reasons as

to why the prevailing practice is being sought to be changed. The Petitioner prays for a direction to desist from terminating or removing Arabic/Mahl as an optional language under the Three-Language Formula (TLF), and to set aside the office order dated 14 May 2025.

3. When the petition came up on board on 3 June 2025, we called upon the Respondent - Union Territory (Administration) to place before us whether any study had been carried out regarding the need for changing the selection of languages and the implications thereof, and whether there had been any consultation with stakeholders.

4. This petition was then heard on 5 June 2025. Rule was issued, and the petition was admitted. An interim order was passed deferring the office order dated 14 May 2025, as it was informed that the schools would re-open on 9 June 2025. Later in the afternoon session, the learned standing counsel for the Lakshadweep Administration mentioned the matter and submitted that the implementation of the order would commence from 1 July 2025. Since the counsel for the Petitioner was not present at that time, the matter was posted today.

5. We have heard Mr. K.P.S. Suresh, the learned counsel for the Petitioner, and Mr. K.S. Prenjith Kumar, the learned standing counsel for the Lakshadweep Administration.

6. We are informed that schools have re-opened today in the Union Territory of Lakshadweep, i.e., on 9 June 2025 (Monday). The learned

standing counsel for the Lakshadweep Administration submitted that, as regards the CBSE schools, implementation will be from 1 July 2025 onwards, as per the communication issued by the CBSE on 22 May 2025. He, however, clarified that this will not apply to schools of the Union Territory Board (other than CBSE), which have commenced the academic year from today (9 June 2025). We are informed that in the previous academic year, the Union Territory had sought to extend the CBSE pattern to all the schools in Lakshadweep; however, this has been challenged in two writ petitions, in which the impugned direction has been stayed, and those petitions are pending.

7. Ordinarily, the Court would not interfere in matters of education policy, particularly with respect to the selection of languages in the curriculum. However, this is self-restraint based on the premise that decisions relating to education policy are made by experts in the field after an in-depth study and wide consultation.

8. The learned standing counsel for the Lakshadweep Administration relied on the counter affidavit; however, to a specific query, he had to concede that no study had been carried out. The impugned office order is sought to be justified on the ground that the decision taken is correct. Reference is also made to the National Education Policy 2020 issued by the Ministry of Human Resource Development, Government of India, the National Curriculum Framework for the Foundational Stage 2022, and the National Curriculum Framework for School Education 2023. It

is also stated that existing students can continue; however, no new students will be admitted. As regards the Mahl language, it is stated that the same has not been discontinued by the impugned office order.

9. The impugned order provides no reasons, except for references to the Education Policies of 2020 and 2023. These Policies are placed on record. The National Education Policy 2020 lays down certain fundamental principles. It refers to early childhood care and education, as well as foundational literacy and numeracy. With regard to curriculum and pedagogy in schools, the Policy states that the Three-Language Formula will be implemented while keeping in mind the Constitutional provisions, the aspirations of the people, regions, and the Union, and the need to promote multilingualism as well as national unity. It is stated that there will be greater flexibility in the Three - Language Formula, and no language will be imposed on any State. The three languages learnt by children will be the choice of the States, regions, and the students themselves, so long as at least two of the three languages are native to India. The Policy records that being well-educated in one's language, culture, and traditions is not a detriment, but indeed a significant benefit to educational, social, and technological advancement. As regards implementation, Clause 27 of the Policy of 2020 states that implementation will require multiple initiatives and actions, which will have to be taken by multiple bodies in a synchronized and systematic manner, in order to ensure that the Policy is implemented in its spirit and intent, through coherence in planning and synergy across all these bodies

involved in education. It further emphasizes that implementation of the spirit and intent of the Policy will be the most critical matter.

10. The Central Board of Secondary Education (CBSE) circular, which is sought to be placed on record, does not specifically state what the choice of languages should be. The point emphasized by the Petitioner, which *prima facie*, we find merit in, is that for the implementation of the Policy in a particular area, there has to be an application of mind and a study of local conditions to determine what is best for the educational interests of the community, in order to achieve the objectives of the Policy. The Policy itself contemplates such an application of mind, noting that various factors are involved in the said decision. As contended by the learned counsel for the Petitioner, a language holds deep cultural significance, and any changes could have serious ramifications. It is pointed out that out of 34 schools in the Union Territory of Lakshadweep, 26 are affiliated with the SCERT, Kerala, and that in accordance with the Kerala Education Rules, 1959 (Chapter 23), and the Kerala Curriculum Framework, Arabic is a prescribed subject of study at the secondary school level. According to the Petitioner, for many decades, the position of Arabic and the Kerala pattern has been interwoven with the local culture and tradition. It is also stated that Arabic is an available option in the CBSE pattern as well.

11. Therefore, we had specifically called upon the Respondent Administration to place before us any material reflecting the application

of mind prior to issuing the impugned order. However, no such material has been placed before us which would show that the Policy was applied in the context of the specific conditions on the island. The impugned directive is a mere office order, which is ordinarily issued for routine matters and not for purposes that would have a fundamental impact on local conditions. We are not guided by the impugned order as to how the decision was arrived at or what its implications would be, particularly since there is a change from the existing position prevailing for the last seventy years. No material whatsoever is produced before us.

12. The learned standing counsel for the Lakshadweep Administration had to accept that even if the Three-Language Formula is to be applied as per CBSE directions, for CBSE and non-CBSE schools, the choice of languages will have to be made locally, particularly with respect to optional languages.

13. In these circumstances, in our view, a *prima facie* case is made out by the Petitioner that the impugned office order was issued without conducting any study or consultation with stakeholders. The Petition has already been admitted. In the meanwhile, the interim order deferring the implementation of the impugned office order dated 14 May 2025 will continue pending hearing of this petition. The position which has existed so far (in respect of CBSE and non-CBSE schools) in the Union Territory of Lakshadweep shall continue.

14. It is open to the Union Territory to conduct a study of the local conditions in the context of the prevailing Education Policies and to engage with all the stakeholders through a meaningful process of consultation (not merely for the purpose of record). If such studies and consultations are carried out, it will be open to the Respondents to apply for appropriate orders, and such application will be considered on its own merits.

Sd/-
Nitin Jamdar,
Chief Justice



Sd/-
Basant Balaji,
Judge

krj/-

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P.A. TO C.J.