

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 10246 of 2015 (E)

PETITIONER :

**THE CORPORATE MANAGER, AGED 63 YEARS
CHALDEAN SYRIAN CHURCH SCHOOLS, THRISSUR
REPRESENTED BY I.G.JOY, IMMATTY, KAIPARAMBU P.O.,
THRISSUR, KERALA.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SMT.PARVATHY NAIR**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE
DEPARTMENT OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER : SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 10246 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS

EXT. P1 : A TRUE COPY OF APPLICATION DATED 26.09.2012

**EXT. P2 : A TRUE COPY OF COMMUNICATION NO.8015/F3/14/G.EDN. DATED
26.02.2014 OF THE RESPONDENT.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.10246 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

Petitioner has approached this Court with the following reliefs:-

“i) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order, directing the respondent to take action on Ext.P1 application seeking minority status within such time as may be fixed by this Hon'ble Court;

ii) issue a writ in the nature of mandamus or any other appropriate writ, direction or order, directing the respondent to act in furtherance of Ext.P2, within such time as may be fixed by this Hon'ble Court and declare the minority status of petitioner.”

2. The learned counsel for the petitioner submits that the petitioner approached the State Authority to consider the minority status of the petitioner, by virtue of the turn of events with regard to the course to be pursued in the due course and earlier it was the National Commission for Minority Educational Institutions who was the authority to have concerned the minority status. The petitioner filed Ext.P1 application before the respondent herein as early as in 26.09.2012 pursuant to

which the petitioner was let known as per Ext.P2 dated 26.2.2014 that the Government has proposed to constitute a separate forum consisting of two persons from the minority community, who are experts in the field of education and an Officer not below the rank of Joint Secretary to Government Higher Education Department, belonging to minority community to study the issue of conferring minority status to Educational Institutions and recommend to Government. The Grant of minority status would be considered on the basis of the recommendation of the above forum. Hence, the application preferred by the petitioner could not be considered for the time being for the procedure required to be completed.

3. The learned Government Pleader submits that the committee to consider minority status has not been constituted so far and that further time is required in this regard.

4. The learned counsel for the petitioner submits, if an intimation is given to the petitioner in this regard, also returning the petition filed by the petitioner, the petitioner could move the National Authority pointing out the stalemate.

5. In the said circumstances, the writ petition is disposed

of, directing the respondent to intimate the position to the petitioner so as to enable the petitioner to pursue further remedy before the appropriate Forum, if the committee is not constituted in the meanwhile. The application of the petitioner shall be returned to the petitioner with the remarks, which shall be done at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondent, for further steps.

**P.R.RAMACHANDRA MENON,
JUDGE**

sj